

USOC problems may be the result of delays in canceling old DSL accounts or installing new DSL accounts.⁵⁷⁰ Finally, we note that BellSouth has recognized the DSL USOC problem and has implemented an interim process to quickly handle orders affected by this problem.⁵⁷¹ We will monitor BellSouth's compliance with its commitment to provide an interim solution. If BellSouth's performance in this area deteriorates or if we are provided with evidence in the future that the DSL USOC issues increase in magnitude, we may pursue appropriate enforcement action.

159. *Service Order Accuracy.* We find, as did the Georgia and Louisiana Commissions, that BellSouth accurately processes manual and electronic orders.⁵⁷² BellSouth states that, since its October 2001 application, it has improved the processes it uses to ensure the accuracy of competitive LEC orders and that these processes have positively impacted their performance data.⁵⁷³ BellSouth changed the manner in which it calculates this metric beginning in November, but the relevant period of review for this application includes September data.⁵⁷⁴

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251, or 0.37 percent of all UNE-P conversions, involved instances where the end-user was actively adding or disconnecting DSL service, or did not have working DSL. See BellSouth March 19 DSL *Ex Parte* Letter at 3-4. In February, only 832 orders were affected by DSL service on the end-user's line. Of these 832 orders, only 203, or 0.38 percent of all UNE-P conversions, involved instances where the end-user was actively adding or disconnecting DSL service, or did not have working DSL. See BellSouth April 12 *Ex Parte* Letter at 2.

⁵⁷⁰ BellSouth March 19 DSL *Ex Parte* Letter at 3; BellSouth GALA II Application Reply at 43.

⁵⁷¹ After conducting a trial with Birch, BellSouth made available to all competitive LECs, on April 1, 2002, a new expedited process by which a competitive LEC, after receiving notice of the USOC, has the option to call a dedicated group at BellSouth's Local Carrier Service Center (LCSC) to remove the DSL USOC if that the end user is not receiving DSL. BellSouth GALA II Fogle Reply Aff. at para. 14, Ex. 1 (detailing the process); BellSouth March 19 DSL *Ex Parte* Letter at 3; BellSouth GALA II Reply at 43-44. This process updates the CSR to remove the DSL USOC in the same manner other CSR updates are performed. Most orders handled through this new process are completed in less than 24 hours. Generally, an error-free service order received by 5:00 p.m. should be updated by the morning of the next business day. Orders that are received during the monthly bill processing period for that account, however, may take the full three day period, in order to allow for the proper operation of the billing system. This affects only a small percentage of orders. From April 1 – April 8, 2002, there were 32 errors handles in the process: 27 were posted within one day, three were posted within two days, and two were cancelled. See BellSouth April 12 *Ex Parte* Letter at 2-3.

⁵⁷² Georgia Commission GALA II Comments at 18-19; Louisiana Commission GALA II Reply at 5-7.

⁵⁷³ BellSouth states that it has focused efforts in its LCSC by resolving common errors, adding additional oversight to order processing, conducting quality audits of its representatives, and receiving input from BellSouth's provisioning centers regarding errors. BellSouth GALA II Stacy/Varner/Ainsworth Aff. at paras. 151-57. BellSouth also points to an improving trend in performance including the fact that 22 of 28 submetrics met or exceeded the 95 percent benchmark from October through December. *Id.* at 158-60. See Georgia/Louisiana B.2.34 (UNE Service Order Accuracy – Regional); Georgia/Louisiana A.2.25 (Resale Service Order Accuracy – Regional). See also Georgia Commission GALA II Comments at 18-19.

⁵⁷⁴ BellSouth states that the measure was updated to improve statistical sampling including sampling of all product categories, such as UNE-P, that were not offered when the metric was first developed, as well as improved sample sizes for all product categories to yield statistically valid results for all product disaggregations. BellSouth GALA II Varner Aff. at para. 64; BellSouth March 15 Service Order Accuracy *Ex Parte* Letter at 2-6. Additionally, the measure now reports data for the entire region instead of reporting state-specific data for some states (including (continued....))

The Department of Justice notes that, because BellSouth changed the way in which it calculates this metric, it is difficult to track the benefits of these process improvements.⁵⁷⁵ Nevertheless we conclude, as did the Georgia Commission, that the changes made by BellSouth to the manner in which it calculates the service order accuracy metric are consistent with the SQM.⁵⁷⁶ Although BellSouth has changed several aspects of this measure, we are able to evaluate BellSouth's performance because BellSouth has restated its data back to September under a consistent methodology, and shows that its performance is substantially in compliance with appropriate standards.⁵⁷⁷ BellSouth's service order accuracy performance is further reinforced based on sample order reviews performed by competitive LECs.⁵⁷⁸

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Georgia) and reporting multi-state data for other states (including Louisiana). *Id.* at 1, 3. The third, and arguably the most significant change, was a shift from an LSR based methodology (reviewing the accuracy of all service orders associated with an LSR) to a service order based methodology. *Id.* at 1-4; AT&T GALA II Bursh/Norris Decl. at paras. 105, 111-12. We note that the Georgia Commission has found that these changes are appropriate in that they bring the measurement into closer conformity with the metric definition. Georgia Commission GALA II Comments at 19 n.17; Georgia Commission GALA II Reply at 9-11.

⁵⁷⁵ Department of Justice GALA II Evaluation at 13-14 (stating, "[t]he significance of the improvements in BellSouth's service order accuracy is unfortunately obscured [by the changes in the calculation of the metric]" without notice to competitive LECs). We note that a number of commenters have expressed concern about how BellSouth changed its metric. *See, e.g.*, Birch GALA II Comments at 11-13. We support the recommendations by both the Georgia and Louisiana Commission staffs that would require BellSouth to provide prior notice of any proposed changes to the calculation of performance measures prior to implementation and may penalize BellSouth for its late announcement of changes to its service order accuracy metric. Georgia Commission GALA II Reply at 8-9; Louisiana Commission GALA II Reply at 7.

⁵⁷⁶ Georgia Commission GALA II Reply at 9-11; Louisiana Commission GALA II Reply at 6-7 (noting that the Department of Justice did not question the validity of the new measurement and the Georgia Commission's conclusion that the changes are consistent with the metric definition). We note that the Louisiana Commission did not originally order BellSouth to report this measure, but BellSouth included this measure in support of its application to this Commission for section 271 approval in Louisiana using the format mandated by the Georgia Commission. Louisiana Commission GALA II Reply at 5-6 n.4.

⁵⁷⁷ BellSouth March 15 Service Order Accuracy *Ex Parte* Letter at 8-10. For UNEs, performance is very good showing that for October through February, BellSouth exceeded the 95 percent benchmark for 32 of the 35 reporting submetrics and exceeded the benchmark in all submetrics from December through February. *Id.*; Georgia/Louisiana B.2.34 (UNE Service Order Accuracy – Regional). For those UNEs with the highest volumes, BellSouth met or exceeded its 95 percent benchmark 13 out of 15 times from October through February and, in all but one instance (reporting 89.6 percent), performance was above 90 percent. *Id.* Performance for resale orders, especially those with the highest volumes, shows 12 out of 15 of these submetrics reporting performance above the 95 percent benchmark and all reporting performance above 90 percent. Georgia/Louisiana A.2.25 (Resale Service Order Accuracy – Regional); BellSouth March 15 Service Order Accuracy *Ex Parte* Letter at 7-9. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4044, para. 174 n.87 (citing recalculated service order accuracy performance of 87 percent service order accuracy).

⁵⁷⁸ Birch notes that service order accuracy has improved citing several order reconciliations which show an improvement in service order error rate for its orders from approximately 30 percent during the fall, 12-16 percent in December, 2 percent in early February, 8 percent in late February, and an average of 10.56 percent over several days throughout March. Birch GALA II Comments at 7-8 & Attachs. 5-8 (also stating that Birch will continue to perform monthly reconciliations); Birch GALA II Reply at 11 & Ex. 2. WorldCom also has performed a sample audit of its (continued....)

160. We reject Birch's concern that the improved performance has resulted from the implementation of additional manual processes that are not guaranteed to last.⁵⁷⁹ We find no reason to believe this claim, especially with the inclusion of a service order accuracy measure in the SEEMs plan.⁵⁸⁰ Specifically, if Birch is correct that BellSouth's improved performance is temporary, BellSouth will face penalties in both Georgia and Louisiana for its failure to meet specified performance benchmarks and could also face enforcement action here under section 271(d)(6).⁵⁸¹ We also reject Birch's claim that the inclusion of mechanized orders in the metric skews the results in favor of BellSouth.⁵⁸² BellSouth has provided performance results showing that even when fully mechanized orders are separately measured from manually-handled orders, the performance for manually handled orders remains very high.⁵⁸³ Further, like the Georgia Commission, we find this argument unpersuasive because, under the metric definition, BellSouth is required to include fully mechanized orders.⁵⁸⁴

161. AT&T raises several claims regarding the new sampling methodology BellSouth employs for its service order accuracy metric. First, we reject AT&T's claim that the current service order accuracy metric does not utilize a proper sampling technique.⁵⁸⁵ AT&T does not show that BellSouth incorrectly sampled orders. Rather, AT&T merely argues that BellSouth fails to explain fully how it samples orders and that performance in some product categories could be marginally overstated. BellSouth demonstrates that, under the new sampling methodology, sampling is more accurate including samples from all 24 sub-metric categories and all product offerings, as well as addressing concerns about over- and under-sampling certain

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early February orders to check for service order errors finding a 2.3 percent error rate. WorldCom GALA II Comments at 25.

⁵⁷⁹ Birch GALA II Comments at 7-8.

⁵⁸⁰ BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 161.

⁵⁸¹ BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 161.

⁵⁸² Birch GALA II Comments at 10-11.

⁵⁸³ For example, service order accuracy for manually handled UNE orders with the highest volumes was greater than 95 percent for 22 out of 24 of the submetrics for September through February, 23 of which were above 90 percent. BellSouth March 15 Service Order Accuracy *Ex Parte* Letter at 9; Letter from Kathleen B. Levitz, Vice-President, BellSouth, to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-35 (filed Apr. 19, 2002) (BellSouth April 19 *Ex Parte* Letter). This includes five month averages of 98.86 percent accuracy for UNE Designed <10 circuits – dispatched, 97.73 percent accuracy for UNE Non-Designed <10 circuits – non-dispatched, and 96.37 percent accuracy for UNE Non-Designed <10 circuits – dispatched.

⁵⁸⁴ BellSouth GALA I Varner, Ex. 1 at 3-34 (Georgia SQM definition for the Service Order Accuracy measure P-11); Georgia Commission GALA II Reply at 9.

⁵⁸⁵ AT&T GALA II Comments at 20; AT&T GALA II Bell Decl. at paras. 3-8; AT&T GALA II Bursh/Norris Decl. at paras. 105-118; AT&T GALA II Reply at 29-31; AT&T GALA II Reply App., Tab A, Reply Declaration of Robert M. Bell at paras. 9-12 (AT&T GALA II Bell Reply Decl.); AT&T GALA II Reply App., Tab C, Reply Declaration of Cheryl Bursh and Sharon E. Norris at paras. 13-20 (AT&T GALA II Bursh/Norris Reply Decl.).

order types.⁵⁸⁶ We note that the Georgia Commission found BellSouth's explanation of their sampling methodology to be adequate and that KPMG plans to conduct a review of the new service order accuracy measurement including how sampling is performed.⁵⁸⁷ Accordingly, we find no evidence to suggest that BellSouth's sampling is incorrect.⁵⁸⁸ Second, we reject AT&T's allegation that, because BellSouth adjusted its sample size when the error rate rose in order to maintain precision, BellSouth's sampling methodology produced biased results in favor of BellSouth.⁵⁸⁹ We note that BellSouth has amended its policy to avoid the potential for bias and, while we recognize that the methodology had the potential to produce a bias, we believe that any bias would be small and insignificant to our analysis.⁵⁹⁰ Third, we reject AT&T's claim that shifting the scope of the metric to a regional measure masks BellSouth's performance in each state.⁵⁹¹ We find nothing inherently wrong with region-wide sampling for metrics that rely on the operation of a uniform regional system, nor does AT&T argue why or how a state-by-state showing would necessarily result in a more accurate representation of BellSouth's performance.⁵⁹² Notably, AT&T does not explain why we should accept its argument in light of our precedent which has accepted region-wide data⁵⁹³ and data from anchor states.⁵⁹⁴ We thus find that concerns regarding BellSouth's sampling methodology are more appropriately addressed by the state commissions, as they are in a better position to make the initial assessment

⁵⁸⁶ BellSouth GALA II Johnson Reply Aff. at paras. 3-5; BellSouth GALA II Varner Aff. at para. 66.

⁵⁸⁷ Georgia Commission GALA II Comments at 19 n.17. The Georgia Commission also concluded that service order accuracy performance improved for reasons other than the change in how the metric is calculated. Georgia Commission GALA II Reply at 10. BellSouth GALA II Varner Aff. at para. 68 (explaining KPMG's intent to review the new metric).

⁵⁸⁸ See BellSouth GALA II Johnson Reply Aff. at paras. 3-9 (describing the sampling methodology and addressing AT&T's concern about sample sizes).

⁵⁸⁹ Letter from Joan Marsh, Director, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-35 (filed Apr. 19, 2002) (AT&T April 19 *Ex Parte* Letter) at 9-12 & Attach. 3 (Second Reply Declaration of Robert M. Bell).

⁵⁹⁰ AT&T's comments in this regard echo the concerns described in an Observation by KPMG in its third-party test of BellSouth's OSS in Florida. AT&T April 19 *Ex Parte* Letter at 10-11. This Observation has since been closed because BellSouth has changed its re-sampling policy, as described above. See Letter from Kathleen B. Levitz, Vice President – Federal Regulatory, BellSouth, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-35 (filed May 6, 2002) (BellSouth May 6 *Ex Parte* Letter) at 1.

⁵⁹¹ AT&T GALA II Bell Reply Decl. at paras. 5-6.

⁵⁹² BellSouth GALA II Johnson Reply Aff. at paras. 10-14 (describing how this improves the statistical sampling of the regional ordering process). See discussion of BellSouth's regional OSS at section III.C.2.b., *supra*; BellSouth GALA II Varner Aff. at para. 67.

⁵⁹³ See, e.g., *BellSouth South Carolina Order*, 13 FCC Rcd at 595-96, para. 101. See also *Ameritech Michigan Order*, 12 FCC Rcd at 20670 n.615 (noting the importance of clearly articulating whether data, offered as evidence in support of an application, is calculated on a state-specific or regional basis).

⁵⁹⁴ See Appendix D, para. 14 (describing how the Commission may rely on performance data from an anchor state).

as to whether state-by-state variation is significant enough to call into question a region-wide showing of compliance.

162. *Line Loss Notification Reports.* WorldCom reports that it has discovered instances where BellSouth fails to provide timely Network Data Mover (NDM) line loss reports that signal to competing carriers that a customer has migrated to another LEC.⁵⁹⁵ Without the reports, WorldCom explains, a competitive LEC will continue to bill an end user even after the customer discontinues service, which results in double billing.⁵⁹⁶ WorldCom asserts that this problem has affected thousands of customers, and contends that although BellSouth attempted to fix the problem in February and March,⁵⁹⁷ as of March, BellSouth still failed to transmit line loss information for 2.3 percent of all customers that change carriers.⁵⁹⁸

163. More recently, in an *ex parte* letter filed in March, WorldCom states that discrepancies in the line loss reports continued to exist. Specifically, it performed an audit of the line losses posted on BellSouth's Web GUI and those sent to WorldCom via its NDM feed.⁵⁹⁹ WorldCom asserts that the audit covered line loss reports posted from March 25, 2002 through April 15, 2002 and found that approximately 4,300 ANIs appeared on the Web GUI line loss file that were not sent to WorldCom via NDM.⁶⁰⁰ However, BellSouth explains that the disparity between the NDM reports and the Web GUI arose from a complication resulting from BellSouth's OSS software upgrade to single "C" ordering, as is always possible in a major OSS software change of this nature and magnitude. As a consequence of this complication, new migrations were temporarily being incorrectly reported as line losses on the Web GUI.⁶⁰¹ BellSouth states, however, that as soon as it became aware of the problem, it informed affected carriers and fixed the problem within 3 weeks.⁶⁰² According to BellSouth, the fix it made on

⁵⁹⁵ See WorldCom GALA II Lichtenberg Reply Decl at para. 3. WorldCom also contends that it receives bills for traffic for customers who remain assigned to WorldCom at the switch for days or even weeks after WorldCom had received the line loss reports. *Id.*

⁵⁹⁶ See *id.*

⁵⁹⁷ BellSouth states that in February, it implemented a change so as to include all disconnect reasons in the line loss reports. BellSouth GALA II Stacy Reply Aff. at paras. 216-20. BellSouth also states that it made additional change to its retail systems to require the use of specific disconnect codes on orders where an end user was returning to BellSouth from a competitive LEC. See BellSouth May 14 *Ex Parte* Letter at 2.

⁵⁹⁸ See WorldCom GALA II Lichtenberg Reply Decl at para. 3; Letter from Keith L. Seat, Senior Counsel Federal Advocacy, WorldCom to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket 02-35 at 5-7 (filed May 10, 2002). We note that BellSouth states that it sends line loss reports to only four competitive LECs in addition to the Web GUI database. Thus a limited number of competitive LECs were impacted by this problem. See BellSouth May 14 *Ex Parte* Letter at 1.

⁵⁹⁹ WorldCom April 29 *Ex Parte* Letter at 1.

⁶⁰⁰ *Id.*

⁶⁰¹ BellSouth May 7 *Ex Parte* Letter at 3.

⁶⁰² See BellSouth May 7 *Ex Parte* Letter at 3.

April 15 to solve this problem caused an additional problem affecting line loss reports between April 15 and May 6, 2002.⁶⁰³ BellSouth fixed this problem on May 6, 2002, and now states that both the NDM and web reports are providing accurate records to competitive carriers.⁶⁰⁴ We conclude that the discrepancy in BellSouth's line loss reports does not appear to be indicative of a systemic problem with BellSouth's OSS and thus, does not warrant a finding of checklist noncompliance. In reaching this conclusion, we find that the discrepancies appear to be relatively limited in duration and scope and, based on this record, do not appear to be competitively significant. Moreover, we recognize that BellSouth has made repeated attempts to resolve these discrepancies and that WorldCom is the only carrier on the record that has raised this issue. Nevertheless, we expect that BellSouth will work closely with WorldCom, and any other affected carriers, to resolve any outstanding line loss discrepancies. To the extent that we are provided with evidence suggesting that these line loss discrepancies are systemic or that they are of greater scope and duration than is indicated in this record, we may take appropriate enforcement action pursuant to section 271(d)(6).

164. We also reject Mpower's claim that BellSouth continues to bill Mpower for disconnected lines.⁶⁰⁵ In particular, BellSouth has explained that the service order process for both competitive LECs and BellSouth retail orders, stops billing for a particular line based on the completion date of the order requesting disconnection.⁶⁰⁶ BellSouth also asserts that the proper billing transactions took place in a timely manner in all of the instances of improper billing alleged by Mpower.⁶⁰⁷ Therefore, based on the record before us in this proceeding, we find that any problems experienced by Mpower are merely isolated incidents that are not systemic deficiencies in BellSouth's billing systems.

165. *Partial Migrations.* Mpower maintains that BellSouth improperly discriminates against competitive LECs by requiring them to use multiple LSRs and CSRs for orders and accounts with multiple lines that BellSouth's retail division has on a single account or one bill.⁶⁰⁸ We are not persuaded, however, that BellSouth's processes for ordering violate its section 271

⁶⁰³ Also BellSouth explains that an error occurred with both reports from April 15 to May 6 as a result of a failure to transmit line loss notifications for certain disconnect activity. BellSouth discovered this problem on May 3 and implemented a fix on May 6, 2002. See BellSouth May 14 *Ex Parte* Letter at 3.

⁶⁰⁴ BellSouth has indicated that it placed a notice on the web report explaining how competitive LECs may obtain any missing records and informing them of this issue. See BellSouth May 14 *Ex Parte* Letter at 3.

⁶⁰⁵ Mpower GALA I Comments at 19; Mpower GALA II Comments at 13.

⁶⁰⁶ BellSouth GALA I Scollard Aff. at para. 60. This stop in billing occurs even if errors exist in the order that delay posting the order to the account. *Id.*

⁶⁰⁷ BellSouth GALA II Scollard Reply Aff. at para. 15.

⁶⁰⁸ See Mpower GALA II Comments at 10-11. We note that Mpower also claims BellSouth's process for competitive LEC to competitive LEC conversions increase costs and cause a loss of facilities. Mpower GALA I Comments at 14-15. However, Mpower fails to provide specific evidence to substantiate its claim and BellSouth states that it is not aware of competitive LECs actually experiencing any problems with competitive LEC to competitive LEC conversions. See BellSouth GALA I Stacy Reply Aff. at para. 237.

obligations. BellSouth explains that Mpower's claim relates to partial migrations, situations "where one or more telephone lines migrate to a competitive LEC, with at a minimum, at least one line remaining with the LEC," that are complex and require more than one order.⁶⁰⁹ Based on our findings that BellSouth's performance data demonstrates that BellSouth handles competitive LEC orders in a nondiscriminatory manner, and a lack of evidence in the record to warrant a finding that BellSouth's ordering process for such special circumstances impedes a competitive LEC's ability to compete in a meaningful manner, we cannot conclude that this processes constitutes systematic discriminatory treatment of competitive LEC orders.

e. Provisioning

166. Based on the evidence in the record, we find, as did the Georgia and Louisiana Commissions,⁶¹⁰ that BellSouth provisions competitive LEC customers' orders for UNE-P services in a nondiscriminatory manner.⁶¹¹ We recognize that BellSouth's performance in Georgia with respect to the Order Completion Interval performance metric, which measures the time it takes BellSouth to complete competitive LEC orders for a particular product type, appears to be substantially out of parity for several recent months.⁶¹² We find, however, that BellSouth's

⁶⁰⁹ See BellSouth GALA I Reply Stacy Aff. at paras. 177-84 (describing a variety of scenarios under which multiple orders are necessary to ensure proper customer conversion and stating, to its knowledge, that requiring multiple LSRs for partial migrations is common industry practice).

⁶¹⁰ See Georgia Commission GALA I Comments at 103, Louisiana Commission GALA I Comments at 40-45.

⁶¹¹ BellSouth met or exceeded parity with the retail analogue for UNE-P orders in Louisiana for the five-month period and, in Georgia, exceeded parity for February and only missed parity for the five-month period, on average, by less than 0.5 day. See Georgia/Louisiana B.2.1.3.1.1 (Order Completion Interval-Loop + Port Combo/<10 circuits/Dispatch).

⁶¹² See Georgia B.2.1.4.1.1 (Order Completion Interval-Combo Other). We note that BellSouth missed the same metric in Louisiana. Competitive LEC volumes, forty orders over a five month period, were not substantial enough, however, to warrant a finding of checklist item noncompliance in light of BellSouth's overall performance. See Louisiana B.2.1.4.1.1 (Order Completion Interval-Combo Other). We recognize the concerns of commenters that the Order Completion Interval measure fails to properly capture the provisioning interval from the time when a CELC sends its order to BellSouth to when an order is provisioned. See, e.g., Birch GALA I Comments at 26. We note that AT&T and Network Telephone also argue that the data BellSouth bases its calculation on is inaccurate. See AT&T GALA II Bursh/Norris Decl. at paras. 80-84, 126-130; see generally Network Telephone March 26 *Ex Parte* Letter at Attach. (stating that some purchase order numbers were not found in BellSouth's raw data). However, we find, based on the evidence in the record, that the current measure is useful in evaluating BellSouth's performance for provisioning competitive LEC orders. See BellSouth GALA I Application Reply App., Vol. 4, Tab S, Reply Affidavit of Alphonso J. Varner (BellSouth GALA I Varner Reply Aff.) at para. 129 (explaining that the Order Completion Interval metric is a valuable indicator of BellSouth's ability to provision orders, because the FOC timeliness measure already accounts for the period from which a competitive LEC submits an order and receives a FOC); BellSouth GALA II Varner Reply Aff. at paras. 55-56 (stating that alleged data problems raised by AT&T affect a small number of orders); BellSouth GALA II Varner Aff. at para. 113; BellSouth April 17 *Ex Parte* Letter at 4) (stating that less than 0.5% of competitive LEC orders and less than 1.0% of BellSouth retail orders are affected by the problems Network Telephone raises). See also Georgia Commission GALA I Comments at 103-04. We also reject claims regarding BellSouth's performance for the Total Service Order Cycle Time (TSOCT) metric because we find that the FOC Timeliness and Order Completion Interval metrics are more probative as they actually compare (continued....)

performance with regard to this metric does not warrant a finding of noncompliance. First, we find that the “missed appointments” metric that the Commission typically analyzes demonstrates parity performance for the relevant months.⁶¹³ Second, BellSouth has explained that the disparity in the order completion interval metric is attributable to the product mix of the retail analogue versus the wholesale measure. In particular, BellSouth notes that the retail analog consists of a large number of non-designed products with shorter intervals while the wholesale product mix consists primarily of extended enhanced loops (EELs) that, by design, require a longer interval.⁶¹⁴ Accordingly, this metric could suggest unequal treatment simply because a competitive LEC orders a disproportionate share of products with a longer provisioning interval.⁶¹⁵ Significantly, as held in prior orders, the Commission has discounted the relevance of this metric in prior section 271 orders where there is evidence of this “order mix” problem.⁶¹⁶ BellSouth states that it has reached an agreement with competitive LECs to create a separate disaggregation for EELs that has been proposed to the Georgia and Commission in Georgia to address this problem.⁶¹⁷ Once this metric is established for EELs, we expect that BellSouth’s performance should improve.⁶¹⁸ Based on the evidence in the record demonstrating that BellSouth generally provisions competitive LEC orders in a nondiscriminatory manner, we conclude that BellSouth is in compliance with this checklist item. Should BellSouth’s performance in this area deteriorate, we may pursue appropriate enforcement action.

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BellSouth’s performance to either a benchmark or the retail analogue, whereas TSOCT is merely a diagnostic test. See generally Network Telephone March 26 *Ex Parte* Letter at Attach.

⁶¹³ See Georgia/Louisiana C.2.5 (Missed Installation Appointments). We note that AT&T asserts that BellSouth improperly calculates the missed installation appointment metric. See AT&T GALA I Bursh/Norris Decl. at paras. 91-93. BellSouth states that AT&T submitted a proposal to include second appointments for the metric but it was not included in an industry-consensus working document. See BellSouth GALA II Varner Reply at para. 57. Thus, we find, based on a lack of evidence in the record to the contrary, that this metric is reliable. See BellSouth GALA I Varner Reply Aff. at para. 154 (stating that the Missed Appointments measure is properly calculated).

⁶¹⁴ See BellSouth March 14 *Ex Parte* Letter at Attach. 6.

⁶¹⁵ See *id.* See also *Verizon Rhode Island Order*, 17 FCC Rcd at 3334, para. 70. Although BellSouth agreed to this change in competitive LEC workshops, Cbeyond and AT&T criticize BellSouth’s performance for this metric, and Cbeyond specifically contends that BellSouth provides EELs to itself in 5 to 8 days compared to 10 days for competitors. See AT&T GALA II Bursh/Norris Decl. at paras. 118, 126-27; Cbeyond March 26 *Ex Parte* Letter at 2. However, BellSouth states that the Order Interval Guide for EELs lists intervals from 5 to 27 days depending on the type of EELs. See BellSouth March 14 *Ex Parte* Letter at Attach. 6. As we explain above, we find that BellSouth generally provisions competitive LEC orders in a nondiscriminatory manner and that there is a lack of specific evidence in the record to the contrary. We defer to the Georgia Commission’s open deliberative processes to determine an appropriate benchmark for EELs.

⁶¹⁶ See, e.g., *Verizon Rhode Island Order*, 17 FCC Rcd at 3334, para. 70 n.190.

⁶¹⁷ See BellSouth March 14 *Ex Parte* Letter at 3. We note BellSouth’s statement that it will propose that the same disaggregation for EELs be included in the Louisiana SQM during the Louisiana Commission’s six-month review. See BellSouth April 16 *Ex Parte* Letter at 2.

⁶¹⁸ See BellSouth March 14 *Ex Parte* Letter Attach. 6 at 1-2.

167. *Quality service problems.* We recognize that several competitive LECs complain of problems resulting from mishandled or delayed UNE-P conversions. In particular, competitive LECs argue that UNE-P customers experience a loss of dial tone because of problems associated with BellSouth's two-order system for UNE-P conversions.⁶¹⁹ While we are concerned by complaints of instances where customers lose dial tone, we are not persuaded that BellSouth fails to provision competitive LEC orders in a nondiscriminatory manner. We are persuaded by the Georgia Commission's analysis that the reports of loss of dial tone are exaggerated.⁶²⁰ Specifically, the Georgia Commission states that only 0.18 percent of UNE-P requests from June through December had a possible conversion-related problem resulting in a loss of dial tone.⁶²¹ Because commenter's claims affect a relatively small percentage of orders and BellSouth has reviewed its conversion performance and implemented the requisite steps to ensure that its OSS provides nondiscriminatory access to its provisioning systems and processes.⁶²² While we need not rely on enhancements to BellSouth's provisioning systems and processes, we note that under the direction of the Georgia and Louisiana Commissions, BellSouth implemented single "C" ordering in March to replace the two-order process.⁶²³ Although competing competitive LECs complain that there is not enough time to properly evaluate BellSouth's implementation of single "C" ordering,⁶²⁴ BellSouth has also agreed, in the interim, to implement a performance measure to report the percentage of premature disconnection of UNE-P conversions associated with the two-order conversion process that will include a benchmark of 1 percent.⁶²⁵ Similarly, we expect BellSouth to take the necessary steps to cure any problems associated the implementation of single "C" ordering. We, therefore, are

⁶¹⁹ Commenters complain that customers experience a loss of dial tone when BellSouth improperly executes a disconnect (D) order before provisioning a new service (N) order. See e.g. AT&T GALA II Comments at 39-40; Network Telephone GALA II Comments at 5-6; WorldCom GALA II Comments at 26; WorldCom GALA II Lichtenberg Decl. at paras. 36-37; Xspedius GALA II Comments at 5-6. See also Xspedius GALA II Goodly Aff. at paras. 3-8 (stating that loss of dial tone occurs where BellSouth disconnect customer despite being notified of a change in due date).

⁶²⁰ See Georgia Commission GALA I Comments at 135-36.

⁶²¹ See Georgia Commission GALA II Comments at 21 (citing data provided by BellSouth). BellSouth states that the percentage of UNE-P requests resulting in a loss of dial tone was 0.26% for January and 0.17% in February. See BellSouth April 16 *Ex Parte* Letter at 2.

⁶²² See BellSouth GALA I Application App. A, Vol 1A, Tab A, Affidavit of K. L. Ainsworth (BellSouth GALA I Ainsworth Aff.), at para. 61 (stating that prior to single "C" ordering BellSouth reviewed its performance and taken the necessary steps to ensure that its OSS properly provisions conversions); see also *SWBT Texas Order*, 15 FCC Rcd at 18456-57, paras. 199-200 (finding that SWBT's three-order process, with alleged outage rates of 2.8% to 5.6%, did not warrant a finding of discriminatory access to SWBT's provisioning systems and processes).

⁶²³ See BellSouth GALA II Stacy Reply Aff. at para. 149 (stating that BellSouth implemented single "C" ordering in Release 10.4 on March 23, 2002).

⁶²⁴ See WorldCom March 26 *Ex Parte* Letter at 2 (stating that BellSouth is experiencing problems with the implementation for this release). BellSouth notes that testing had already begun as of Friday, March 24, 2002. See BellSouth GALA II Stacy Aff. at paras. 149-50.

⁶²⁵ See BellSouth GALA II Stacy/Varner/Ainsworth Aff. at 182.

confident that this issue is resolved. We note, in accordance with section 271(d)(6), that if BellSouth's performance in this area regresses, we may pursue appropriate enforcement action.

168. To the extent that competitive LECs argue that BellSouth fails to provision UNE-P conversions and other services in a nondiscriminatory manner due to BellSouth's own error or poor database records,⁶²⁶ we conclude that these arguments are vague and lack supporting evidence in the record.⁶²⁷ Thus, based on BellSouth's performance data, its continued efforts to improve its provisioning of competitive LECs' orders, and the support of the Georgia and Louisiana Commissions, we conclude that BellSouth provisions competitive LECs' orders in a nondiscriminatory manner.⁶²⁸

f. Maintenance and Repair

169. We conclude, as did the Georgia and Louisiana Commissions, that BellSouth provides nondiscriminatory access to its maintenance and repair OSS functions. We find that BellSouth has "deployed the necessary interfaces, systems, and personnel to enable requesting carriers to access the same maintenance and repair functions" that BellSouth provides itself.⁶²⁹ Moreover, competing carriers have access to these functions "in substantially the same time and manner" as BellSouth's retail operations, and with an equivalent level of quality.⁶³⁰

(i) Functionality

170. BellSouth offers competing carriers access to the same system and functionality that BellSouth uses for its retail operations. Most competing carriers use the Trouble Analysis Facilitation Interface (TAFI), the same interface BellSouth retail operations use, to handle any basic exchange service trouble reports (*i.e.* telephone number-based or non-designed services).⁶³¹ Competing carriers also have access to the Electronic Communications Trouble Administration

⁶²⁶ See, e.g., AT&T GALA II Comments at 20-21; AT&T GALA II Bradbury/Norris Decl. at paras 132-36; AT&T GALA II Bursh Norris Decl. at paras. 126-130; AT&T GALA II Seigler Decl. at paras. 2-16; Mpower GALA II Comments at 8-9; Network Telephone GALA II Comments at 10-11; Xspedius GALA II Comments at 4-7.

⁶²⁷ See, e.g., BellSouth GALA I Stacy Aff. at para. 165 (stating that BellSouth provides competitive LECs with access to provisioning information in substantially the same time and manner as itself); see generally KPMG Final Report at III-B.1 (O&P-1); III-B.3 (Test O&P-2) (finding that BellSouth provides timely, clear, accurate and complete notifiers).

⁶²⁸ See Georgia Commission GALA I Comments at 103, Louisiana Commission GALA I at 40-45.

⁶²⁹ See *Bell Atlantic New York Order*, 15 FCC Rcd at 4067, para. 211; Georgia Commission GALA I Comments at 108, 110; Louisiana Commission GALA I Comments at 48-49. See also BellSouth GALA I Application at 82. We also note that BTI asserts that BellSouth's "repair services allow BTI to compete for local service in Georgia." BTI GALA II Comments at 3.

⁶³⁰ *Bell Atlantic New York Order*, 15 FCC Rcd at 4067, para. 211.

⁶³¹ BellSouth GALA I Stacy Aff. at paras. 49-50, 393-409. TAFI can be used to process trouble reports for port and loop combinations and high speed data connections (line sharing). *Id.* at para. 408.

(ECTA) Gateway to achieve machine-to-machine access to maintenance and repair functions for resale and UNEs.⁶³² Commercial usage⁶³³ and extensive testing by KPMG⁶³⁴ demonstrate that BellSouth's systems are functional and provide service to competitive LECs in a nondiscriminatory manner.

171. We reject AT&T's assertion that TAFI does not provide parity with the functionality enjoyed by BellSouth retail because it cannot be integrated and because it cannot be used for all types of services.⁶³⁵ Contrary to the Commission's previous findings, BellSouth demonstrates that TAFI is not integrated with other BellSouth systems and that competitive LECs have equivalent access to the same functionality and information as BellSouth retail representatives.⁶³⁶ We also reject AT&T's argument that because ECTA is inferior to TAFI, users of ECTA do not have equivalent access to maintenance and repair functions.⁶³⁷ We reject this argument on the same basis as did the Georgia and Louisiana Commissions, finding BellSouth's offer to include the functionality of TAFI into ECTA if AT&T pays for the development costs reasonable and nondiscriminatory because, as described above, competitive LECs have the same access to maintenance and repair functionality as BellSouth's retail operations.⁶³⁸

⁶³² BellSouth GALA I Stacy Aff. at para. 51, 411-17. ECTA is designed to meet the industry standard specifications for trouble administration and permits competitive LECs to open, modify, check the status of, and close trouble reports. *Id.* at para. 412. BellSouth notes that only three competing carriers have established an ECTA interface, and only one actively uses that interface. *Id.* at 51.

⁶³³ Performance data for providing access to the maintenance and repair databases show that BellSouth provides performance to competing carriers that is, in most cases, better than or equal to parity (or the benchmark level of performance). Georgia/Louisiana D.1.1 through D.1.2 (% Interface Availability); Georgia/Louisiana D.1.3 through D.1.4 (Average Response Interval at 4 seconds, 10 seconds, and greater than 10 seconds). While we note several instances where performance for competitive LECs is slightly below parity or benchmark performance, the difference is de minimis, not systemic, and not competitively significant. The Georgia Commission agrees that this disparity is "slight." Georgia Commission GALA I Comments at 109.

⁶³⁴ BellSouth satisfied all of KPMG's criteria for both interfaces. BellSouth GALA I Stacy Aff. at paras. 392 (describing KPMG's review of the TAFI interface), 411 (describing KPMG's review of the ECTA interface).

⁶³⁵ AT&T GALA I Comments at 24; AT&T GALA I Bradbury Decl. para. 159.

⁶³⁶ BellSouth GALA I Stacy Aff. at para. 397. See *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20694-96, paras. 149-52. Although the Commission raised some concerns in the *BellSouth Second Louisiana Order* about the importance of integrating maintenance and repair databases, more recently the Commission has found that "a BOC is not required, for the purpose of satisfying checklist item 2, to implement an application-to-application interface for maintenance and repair functions -- provided it demonstrates that it provides equivalent access to its maintenance and repair functions in another manner." *Bell Atlantic New York Order*, 15 FCC Rcd at 4068, para. 215; *SWBT Texas Order*, 15 FCC Rcd at 18458 n.565.

⁶³⁷ AT&T GALA I Comments at 24-25.

⁶³⁸ BellSouth GALA I Stacy Aff. at 147; Louisiana Commission GALA I Comments at 48-49; Georgia Commission GALA I Comments at 110; BellSouth GALA I Reply at 52. See *Bell Atlantic New York Order*, 15 FCC Rcd at 4069-70, para. 215.

(ii) Time to Restore and Quality of Work Performed

172. We conclude that BellSouth “repairs trouble complaints for competing carriers in substantially the same time and manner that it repairs complaints from its own customers.”⁶³⁹ We base our conclusion on the fact that, for the months October through February, BellSouth performed work faster for competing carriers than it did for its own customers.⁶⁴⁰ We also find that BellSouth demonstrates that it “performs maintenance and repair work for customers of competing carriers at the same level of quality that it performs repair work for its retail customers.”⁶⁴¹ First, customers of competitive LECs were out of service for less time than BellSouth customers.⁶⁴² Second, the performance data indicate that BellSouth provides better than parity service in meeting repair appointments.⁶⁴³ Third, we find that, generally, competing carriers and BellSouth report the same number of troubles and, therefore, BellSouth is “not discriminating against competing carriers in routine network maintenance and repair.”⁶⁴⁴ Finally, competing carriers generally report fewer repeat troubles than BellSouth customers indicating that BellSouth provides quality maintenance and repair services and is not closing out trouble tickets in a discriminatory manner.⁶⁴⁵

⁶³⁹ *Bell Atlantic New York Order*, 15 FCC Rcd at 4072, para. 220.

⁶⁴⁰ BellSouth reports perfect performance in Georgia against its retail analog for the “Maintenance Average Duration” metric and only one sub-metric out of parity for the month of January which we do not find problematic because volume for that sub-metric was one. Georgia/Louisiana B.3.3.

⁶⁴¹ *See Bell Atlantic New York Order*, 15 FCC Rcd at 4073, para. 222.

⁶⁴² BellSouth nearly universally provided competing carriers better than parity performance in the “Out of Service after more than 24 hours” metric. Georgia/Louisiana B.3.5. While Xspedius complains that its customers occasionally go without service, we note that the performance metrics do not show that BellSouth is acting in a discriminatory manner. Xspedius GALA II Comments at 12-13.

⁶⁴³ BellSouth provides better than parity performance across all product categories, with a few de minimis exceptions. Georgia/Louisiana B.3.1 (% Missed Repair Appointments).

⁶⁴⁴ Georgia/Louisiana B.3.2.3.1 through B.3.2.11 (Customer Trouble Report Rate). In particular, we note slightly higher trouble report rates in the “Combo Other” and “Other Non-design” product categories. Georgia/Louisiana B.3.2.4 and B.3.2.11 (showing an average disparity over 5 months in Georgia of less than 3% for “Combo Other - dispatch” metric and less than 6% for the “Other Non-design - dispatch” metric). *See also* AT&T GALA II Bush/Norris Decl. at paras. 131-35. BellSouth explains that the metric reports a substantial number of trouble tickets that, when checked by BellSouth technicians, are found to be functional. Letter from Kathleen B. Levitz, Vice President – Federal Regulatory, BellSouth, to William Caton, Acting Secretary, Federal Communications Commission, CC Docket No. 02-35 at 2 (filed Mar. 22, 2002) (BellSouth March 22 *Ex Parte* Letter). However, AT&T, Mpower, and Xspedius note that BellSouth technicians occasionally do not identify problems that do exist and therefore incorrectly report the trouble ticket as not having a problem. AT&T GALA II Seigler Decl. at para. 12; Mpower GALA II Comments at 17; Xspedius GALA II Comments at 12-13. While this anecdotal evidence questions the quality of repair investigations, our review of the record does not indicate a systemic or discriminatory problem. *See* BellSouth GALA II Ainsworth Reply Aff. at para. 59.

⁶⁴⁵ Georgia/Louisiana B.3.4.1 through B.3.4.11 (% Repeat Troubles within 30 days). *See Bell Atlantic New York Order*, 15 FCC Rcd at 4074-75, para. 224. We note that a historic pattern of a high percentage of repeat troubles in the “Combo Other” category is improving as the average disparity between BellSouth and competitive LEC (continued....)

g. Billing

173. Consistent with the determination of the Georgia and Louisiana Commissions, we find that BellSouth provides nondiscriminatory access to its billing functions.⁶⁴⁶ BellSouth must provide competing carriers with complete and accurate reports on the service usage of competing carriers' customers in substantially the same time and manner that BellSouth provides such information to itself, and wholesale bills in a manner that gives competing carriers a meaningful opportunity to compete.⁶⁴⁷ BellSouth offers competing carriers access to a set of billing systems that are the same systems BellSouth uses for its own retail operations.⁶⁴⁸ In combination, these billing systems provide competing carriers with all the information necessary to compete.⁶⁴⁹

174. BellSouth's performance data demonstrate its ability to provide competing carriers with billing usage information in substantially the same time and manner that BellSouth provides such information to itself, and carrier bills in a manner that gives competing carriers a meaningful opportunity to compete. BellSouth consistently has met, with minor exceptions, the Georgia and Louisiana benchmarks for timeliness, accuracy, and completeness in sending out

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performance dropped to less than 6.5% in January and 7.4% in February after showing an average disparity of nearly 21% over the previous three months. Georgia B.3.4.4.1 (Combo Other – Dispatch)(Commercial volumes for this product category in Louisiana are low thus making them less reliable). BellSouth explains that this improvement is the result of “an aggressive program to refer all chronic trouble circuits to a ‘chronics group’ for remediation” in the CWINS Center. BellSouth March 22 *Ex Parte* Letter at 2. BellSouth also demonstrates that by removing the 5 repeat troubles closed as “test okay / found okay,” the January results for Georgia would be 20.51% (compared with 18.34% for the BellSouth retail analog – a disparity of only 2.17%). *Id.* Finally, we note NewSouth's recognition of BellSouth's “improved responsiveness” to “chronic trouble customers.” NewSouth GALA II Comments at 4-5.

⁶⁴⁶ Georgia Commission GALA I Comments at 111; Louisiana Commission GALA I Comments at 49.

⁶⁴⁷ See *Verizon Massachusetts Order*, 16 FCC Rcd at 9043-44, para. 97; *Bell Atlantic New York Order*, 15 FCC Rcd at 4075, para. 226.

⁶⁴⁸ BellSouth provides bills to competing carriers and its own retail customers using two main systems. First, the Customer Records Information System (CRIS) is used to accumulate, rate, and format billing transactions for all toll calls, local calls, per-use vertical services, and service requests for unbundled switch ports and unbundled loops. BellSouth GALA I Application at 87; BellSouth GALA I Application App. A, Vol. 7, Tab S, Affidavit of David Scollard (BellSouth GALA I Scollard Aff.) at para. 10. The only difference for competing carriers is a sub-system of CRIS (BellSouth Industrial Billing System) which provides competing carriers information on switch port usage. Second, the Carrier Access Billing System (CABS) is used to bill all other UNE and interconnection services. BellSouth GALA I Scollard Aff. at para. 11. BellSouth also provides to competing carriers a set of Daily Usage Files (DUFs) which record usage data for all call events. BellSouth GALA I Scollard Aff. at para. 32.

⁶⁴⁹ In response to concerns raised by the Commission in the *Second BellSouth Louisiana Order*, BellSouth added two types of billing functionality to its existing usage reporting systems. First, BellSouth added the Enhanced Optional Daily Usage File (EODUF) to report on usage originating from competitive LEC flat-rated resold lines. BellSouth GALA I Scollard Aff. at para. 33; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20698, paras. 159-60. Second, BellSouth added the Access Daily Usage File (ADUF) to provide competing LECs and interexchange carriers with records for billing interstate and intrastate access charges and reciprocal compensation charges for calls originating from and terminating to unbundled switch ports. See BellSouth GALA I Scollard Aff. at para. 33; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20733-37, paras. 230-34.

billing usage information⁶⁵⁰ and for carrier bills.⁶⁵¹ Moreover, in finding that competing carriers have a meaningful opportunity to compete, we rely on third-party testing in Georgia which found BellSouth's billing system to be accurate and reliable.⁶⁵²

175. While several commenters describe problems with BellSouth's billing systems, the record does not indicate that BellSouth fails to provide nondiscriminatory access to its billing functions. First, we reject WorldCom's claim that, after the provisioning of an order is completed, delays in adding the new information to BellSouth's billing system cause significant competitive harm that could be solved if BellSouth provided billing completion notifiers.⁶⁵³ While it recognizes the benefits of billing completion notifiers, the Commission has previously approved section 271 applications where the BOC does not provide such a notifier.⁶⁵⁴ BellSouth acknowledges that, when including orders into its billing system, a small percentage of orders include errors that require updating and are placed into a "hold file."⁶⁵⁵ BellSouth demonstrates

⁶⁵⁰ BellSouth provides timely, accurate, and complete usage data. Georgia/Louisiana F.9.2 (DUF Delivery Timeliness); Georgia/Louisiana F.9.1 (DUF Delivery Accuracy); Georgia/Louisiana F.9.3 (DUF Delivery Completeness); F.9.4 (Mean Time to Deliver Usage – Regional).

⁶⁵¹ BellSouth provides timely, accurate, and complete carrier bills. See Georgia/Louisiana A.4.1 (Invoice Accuracy – Resale); Georgia/Louisiana B.4.1 (Invoice Accuracy – UNE); Georgia/Louisiana A.4.2 (Mean Time to Deliver Resale Invoices – CRIS); Georgia/Louisiana B.4.2 (Mean Time to Deliver UNE Invoices – CRIS). Performance data show that BellSouth has not consistently met parity or benchmark performance for charge completeness, particularly for non-recurring charges for interconnection. See AT&T GALA II Bursh/Norris Decl. at paras. 136-37. While performance declined in January for UNEs and Resale, February performance regained its former levels of performance indicating that this was an isolated incident. See Georgia/Louisiana F.9.6. BellSouth explains that the drop in performance for this metric in January, for UNEs, resale and interconnection, resulted from the manual back billing BellSouth undertook to recover OSS charges for cancelled orders. BellSouth Scollard Reply Aff. at para. 18; BellSouth March 27 *Ex Parte* Letter at 3-4. BellSouth asserts, and we agree, that this one-time back-billing for cancelled order charges does not affect a competitive LEC's ability to bill its customers for services provided because customers are likely only to be billed for the non-cancelled orders and, furthermore, carriers were given prior notice of this billing effort. *Id.* See also BellSouth GALA II Varner Aff., Ex. PM-26 at 23 (describing the variety and complexity of correcting errors in non-recurring interconnection bills and new training for personnel). Should BellSouth's performance in this area deteriorate, we may pursue appropriate enforcement action.

⁶⁵² See KPMG MTP Final Report at III-C-1 through III-C-12 (Summary of Tests BLG1 through BLG5) and at VI-A through VI-F (Billing Results and Analysis).

⁶⁵³ WorldCom GALA II Comments at 25-26; WorldCom GALA II Lichtenberg Decl. at paras. 27-34; WorldCom GALA II Lichtenberg Reply Aff. at paras. 21-23.

⁶⁵⁴ The Commission has cited the billing completion notifier provided by Verizon as being beneficial to competitive LECs. *Bell Atlantic New York Order*, 15 FCC Rcd at 4053-54, para. 188; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17446-47, paras. 43-44. In the *SWBT Texas Order*, the Commission "recognized that [a billing completion] notice can play a crucial role of informing the carrier that it can begin billing the customer for service and addressing any maintenance problems," but relied on an provisioning completion notice, similar to the type of notice BellSouth provides, and the billing completeness metric that demonstrated that 98% of orders post to its billing system by the next billing cycle. *SWBT Texas Order*, 15 FCC Rcd at 18448-49, 18451, paras. 187, 191.

⁶⁵⁵ BellSouth GALA II Scollard Reply Aff. at para. 9 (stating that the "hold file" into which certain orders fall for corrections before the CSR can be updated accounts for only 0.6% of all orders in Georgia, 0.5% in Louisiana, and 0.7% for BellSouth retail); BellSouth March 27 *Ex Parte* Letter at 2 (same). BellSouth also demonstrates that 80% (continued....)

that this same process is used for orders for BellSouth retail customers and there is no evidence of a systemic problem.⁶⁵⁶

176. We reject commenters' assertions that BellSouth improperly threatens to discontinue service for failure to pay disputed bills.⁶⁵⁷ There is no evidence that demonstrates that BellSouth acts in a discriminatory manner or denies competitors a reasonable opportunity to compete.⁶⁵⁸ To the extent that billing disputes arise, carriers are able to address their disputes through BellSouth's billing dispute resolution process.

177. We also reject Covad's claim that BellSouth's provision of online account services to its retail customers, which are not available to its wholesale customers, means that BellSouth's billing systems are discriminatory.⁶⁵⁹ The Commission's rules do not require a BOC to provide access to billing information in substantially the same manner that the BOC provides such information to its end-user customers. Rather, the Commission has held that nondiscriminatory access to billing OSS means that the BOC must provide reports on service usage to competing carriers "in substantially the same time and manner that [the BOC] provides such information to itself."⁶⁶⁰ We thus decline to expand our definition of nondiscriminatory access to billing information in this proceeding, but note that BellSouth must provide information to competitive LECs in a manner that allows them to construct their own online billing information systems as BellSouth retail operations do. Commenters also claim that the way BellSouth uses Billing Account Numbers (BANs) is confusing.⁶⁶¹ We do not believe that

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of all orders are posted in 1 day, 93% posted in three days, and 98% posted in five days. AT&T GALA II Reply Attach. 4 (BellSouth Post Workshop Comments) at 7. BellSouth also shows that the problem is minimal for WorldCom. BellSouth GALA II Scollard Reply Aff. at para. 10; BellSouth GALA I Scollard Aff. at paras. 54-58. BellSouth also demonstrates that this "hold file" will not increase in light of the relaxed database validation for TN migration orders because its billing system does not validate the service address field against the CSR and, therefore, variations in the service address field between the RSAG database and the CSR will not affect CSR posting to billing. BellSouth GALA II Scollard Reply at para. 3; BellSouth March 27 *Ex Parte* Letter at 2.

⁶⁵⁶ BellSouth GALA II Scollard Reply Aff. at para. 9.

⁶⁵⁷ Covad GALA I Comments at 44; Mpower *et al.* GALA I Comments at 17-18; WorldCom GALA I Comments at 45.

⁶⁵⁸ BellSouth GALA I Scollard Aff. at para. 17. *But see Verizon Pennsylvania Order*, 16 FCC Rcd at 17436-37, para. 29 (The Commission was given further assurance that the extraordinary billing disputes described in that order would not adversely impact competing carriers because Verizon did not require immediate payment of bills in dispute).

⁶⁵⁹ See Covad GALA I Comments at 44.

⁶⁶⁰ *Bell Atlantic New York Order*, 15 FCC Rcd at 4075, para. 226 (emphasis added). See BellSouth GALA I Application Reply App., Vol. 2, Tab N, Reply Affidavit of David Scollard (BellSouth GALA I Scollard Reply) at para.16.

⁶⁶¹ See Covad GALA I Comments at 44; WorldCom GALA I Comments at 45.

this is competitively significant because BellSouth has documentation explaining its wholesale bills and has demonstrated that legitimate auditing reasons exist for multiple BANs.⁶⁶²

178. Commenters also raise some miscellaneous assertions regarding BellSouth's billing system. For example, Network Telephone asserts that it was billed excessively for a one time retrieval of historical ADUF records.⁶⁶³ BellSouth explains that significant work by an outside programmer was required to produce these records because they pre-dated Network Telephone's request to receive DUF bills, and also that an estimated upfront payment is required for all requests of this type with any excess payment returned upon completion.⁶⁶⁴ Moreover, Network Telephone's contention stems from contractual terms between Network Telephone and Accenture that we are not willing to resolve in the context of a section 271 application. WorldCom also claims that BellSouth's billing dispute resolution process is inadequate for disputes that pertain to a group of records with similar issues.⁶⁶⁵ We reject these assertions because we find that BellSouth demonstrates sufficient processes to resolve billing disputes in a nondiscriminatory manner.⁶⁶⁶ We also note BellSouth's efforts to resolve billing issues with Mpower.⁶⁶⁷ We find that these are isolated disputes and do not rise to the level of checklist noncompliance.

h. Change Management and Technical Assistance

(i) Change Management Process

179. In its prior orders, the Commission has explained that it must review the BOC's change management procedures to determine whether these procedures afford an efficient competitor a meaningful opportunity to compete by providing sufficient access to the BOC's OSS.⁶⁶⁸ In evaluating whether a BOC's change management plan affords an efficient competitor

⁶⁶² BellSouth GALA II Scollard Reply Aff. at para. 5; BellSouth GALA I Scollard Reply at paras. 8, 16.

⁶⁶³ Network Telephone GALA II Comments at 8.

⁶⁶⁴ BellSouth GALA II Scollard Reply Aff. at para. 2.

⁶⁶⁵ WorldCom GALA II Lichtenberg Decl. at paras. 82-84.

⁶⁶⁶ BellSouth GALA II Scollard Reply Aff. at para. 14 (describing Mpower's claim by stating that the disputes Mpower claims BellSouth cannot track are the result of those disputes being clarified back to the competitive LEC due to insufficient information); *Id.* at para. 7 (describing that problems with multiple records can be submitted using the current reporting form and that electronic submission of records is redundant because BellSouth already has access to the records). *See also* BellSouth GALA I Scollard Reply at para. 22; BellSouth GALA I Application App. A, Vol. 1a, Tab A, Affidavit of Ken Ainsworth (BellSouth GALA I Ainsworth Aff.) at paras. 196-202 (describing BellSouth's billing dispute resolution processes).

⁶⁶⁷ BellSouth April 12 *Ex Parte* Letter at 4-5; Letter from Kathleen B. Levitz, Vice President – Federal Regulatory, BellSouth, to William Caton, Acting Secretary, Federal Communications Commission, CC Docket No. 02-35, Apr. 5, 2002 (BellSouth April 5 *Ex Parte* Letter). *See* Mpower GALA II Reply at 10.

⁶⁶⁸ *See Bell Atlantic New York Order*, 15 FCC Rcd at 3999-4000, paras. 102-103; *SWBT Texas Order*, 15 FCC Rcd at 18403-04, paras. 106-08.

a meaningful opportunity to compete, we first assess whether the plan is adequate by determining whether the evidence demonstrates: (1) that information relating to the change management process is clearly organized and readily accessible to competing carriers; (2) that competing carriers had substantial input in the design and continued operation of the change management process; (3) that the change management plan defines a procedure for the timely resolution of change management disputes; (4) the availability of a stable testing environment that mirrors production; and (5) the efficacy of the documentation the BOC makes available for the purpose of building an electronic gateway.⁶⁶⁹ After determining whether the BOC's change management plan is adequate, we evaluate whether the BOC has demonstrated a pattern of compliance with this plan.⁶⁷⁰

(a) Adequacy of the Change Management Plan

180. *Change Management Plan Organization.* We find that BellSouth's Change Control Process became effective in August 2000 as a result of a collaborative effort between BellSouth and competing carriers.⁶⁷¹ BellSouth's Change Control Process is memorialized in a single document entitled, "Change Control Process."⁶⁷² This document sets forth the process and procedures that govern the communication and management of changes to electronic interfaces and related manual processes that affect external users of BellSouth's Electronic Interface Applications.⁶⁷³

⁶⁶⁹ *SWBT Texas Order*, 15 FCC Rcd at 18404, para. 108. We have noted previously that we are open to consideration of change management plans that differ from those already found to be compliant with the requirements of section 271. *Bell Atlantic New York Order*, 15 FCC Rcd at 4004, para. 111; *SWBT Texas Order*, 15 FCC at 18404, para. 109.

⁶⁷⁰ *Bell Atlantic New York Order*, 15 FCC Rcd at 3999, para. 101, 4004-05, para. 112.

⁶⁷¹ Beginning in October 1997, BellSouth began discussions with competing carriers about the creation of a region-wide change control process and in May 1998, BellSouth's Electronic Interface Change Control Process (EICCP) became effective. Then, in January 2000, BellSouth initiated discussions on improving certain deficiencies in the EICCP. Eventually, the scope of the process was expanded to include defect changes, all documentation, software, and BellSouth-initiated changes that are competing carrier affecting, ordering and pre-ordering manual processes, and a formalized escalation process. After a period of interim use, the current Change Control Process was approved by participating competing carriers. See BellSouth GALA I Stacy Aff. at paras. 97-105.

⁶⁷² BellSouth GALA II Stacy/Varner/Ainsworth Aff., App. A, Vol. 1c, Tab C, Ex. SVA-38, Change Control Process, Version 2.7 (Dec. 7, 2001) ("Change Control Process"). The Change Control Process document and other related forms are available on BellSouth's website and is updated to reflect changes. BellSouth GALA I Stacy Aff. at paras. 112, 120.

⁶⁷³ See Change Control Process at 12-13. The Change Control Process is designed to accommodate six different categories of changes: Type 1 requests are for system outages; Type 2 requests are for changes mandated by regulatory authorities; Type 3 changes are for updating interfaces to an industry standard; Type 4 requests are BellSouth initiated changes; Type 5 requests are competitive LEC initiated changes; and, Type 6 requests are to correct system defects. Change Control Process, Part 3 at 15-16; BellSouth GALA I Stacy Aff. at para. 123. The process for each type is well defined, including timeliness intervals, and an expedited procedure is also available for all Types 2 through 5 change requests. Change Control Process, Parts 4-5 at 18-53. We also note that the scope of the Change Control Process recently has been expanded allowing the group to discuss an even broader array of (continued....)

181. The Commission looks for “mechanisms to ensure the timely and effective transition from one [interface] release to another,” thus showing that competitors have a meaningful opportunity to compete.⁶⁷⁴ We find that BellSouth’s versioning process, which allows competing carriers to continue to use an old version of the interface after a new one is released, provides a mechanism sufficient to protect competing carriers from premature cut-overs and disruptive changes to their interfaces to BellSouth’s OSS.⁶⁷⁵ In addition, competing carriers are able to provide input at release package meetings before a release.⁶⁷⁶ Therefore, we reject the assertion that the lack of a process whereby competing carriers can decide whether or not to implement a new release (*i.e.*, “go/no go” vote) deprives competitors a meaningful opportunity to compete, despite BellSouth’s versioning process.⁶⁷⁷ We encourage BellSouth to continue to accept and consider any input from competitive LECs regarding software problems they discover during testing before BellSouth decides to implement a new software release.

182. *Competing Carrier Input.* We find that BellSouth’s Change Control Process was created with, and provides for substantial input from, competing carriers.⁶⁷⁸ First, the document provides for regularly scheduled change control meetings between BellSouth and competing carriers.⁶⁷⁹ Additionally, the Change Control Process provides for feedback from competing carriers through a process in which competing carriers rank all “[competitive] LEC affecting”

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interface issues. BellSouth April 9 *Ex Parte* Letter, attach. A at 3-4. We also note that our prior orders recognize that changes that do not impact OSS interfaces are not necessarily required to be a part of a change management process. *Verizon Pennsylvania Order*, 16 FCC Rcd at 17451, para. 51 (accepting Verizon’s argument that “the changes to the BOS BDT billing systems are ‘back-office’ OSS changes that do not impact OSS interfaces”).

⁶⁷⁴ *SWBT Texas Order* 15 FCC Rcd at 18408-09, para. 115.

⁶⁷⁵ BellSouth continuously supports two industry standard versions of the TAG and EDI interfaces keeping the “old” version unchanged so that competing carriers are not forced suddenly to switch to a new interface. BellSouth does not provide versioning for LENS because LENS does not require competing carriers to reprogram interfaces. BellSouth GALA I Stacy Aff. at paras. 148-51. In the *SWBT Texas Order*, the Commission noted favorably that SWBT employed a go/no go vote, but also noted that SWBT had not yet implemented a versioning process by which competing carriers can continue to use an older version of the OSS interfaces for a period after a new version has been released. *See id.* at 18406-07, para. 112.

⁶⁷⁶ Change Control Process at 32 (step 8 of the process flow for request types 2-5).

⁶⁷⁷ WorldCom GALA II Comments at 17; AT&T GALA I Comments at 27. While it is crucial that a change management process include assurances that changes to existing OSS interfaces will not disrupt competing carriers’ use of the BOC’s OSS, the Commission has never held that any particular safeguard is required. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4004-05, para. 110; *SWBT Texas Order* 15 FCC Rcd at 18406, para. 112. *See also* Common Carrier Bureau, Strickling Letter to US West (Sept. 27, 1999) at 3.

⁶⁷⁸ BellSouth GALA I Stacy Aff. at paras. 97-105; BellSouth GALA II Stacy Reply Aff. at paras. 28-34 (describing how competing carriers helped design the change control process). Our analysis of competing carriers on-going influence in the process is consistent with the third party review by KPMG which found that BellSouth’s “change management process includes procedures for allowing input from all interested parties.” KPMG Final Report, Test CM-1-1-4, at VIII-A-20.

⁶⁷⁹ Meetings to prioritize competitive LEC-affecting change requests are held quarterly. The process also dictates monthly meetings to discuss the status of change requests and of the process itself. Change Control Process at 54.

change requests.⁶⁸⁰ Furthermore, the Change Control Process is not a static process, but rather allows participants to amend the process.⁶⁸¹ As noted in previous section 271 applications, “a key component of an effective change management process is the existence of a forum in which both competing carriers and the BOC can work collaboratively to improve the method by which changes to the BOCs OSS are implemented.”⁶⁸² To this end, the Change Control Process allows BellSouth and competitive LECs to continue to discuss and implement improvements to the process.⁶⁸³

183. Competing carriers that wish to introduce a change to BellSouth’s OSS may submit a change request to the Change Control Process.⁶⁸⁴ The BellSouth change control manager validates the change unless the change goes beyond BellSouth’s obligations under Commission orders, is not technically feasible, or requires BellSouth to make a substantial investment for a limited competing carrier benefit.⁶⁸⁵ After the initiator of the change presents its proposal to the members of the Change Control Process at the next monthly meeting, competitive LECs jointly prioritize change requests using information BellSouth provides about the approximate size of each change request feature and estimates of available capacity in future releases.⁶⁸⁶ BellSouth then internally reviews the prioritization and sequences change requests

⁶⁸⁰ See Change Control Process at 55-56.

⁶⁸¹ See Change Control Process at 65-66.

⁶⁸² *SWBT Texas Order*, 15 FCC Rcd at 18410, para. 117.

⁶⁸³ Among the recent improvements are improvements to the information competitive LECs have about the status of change requests and software releases (including a quarterly tracking report and documentation reflecting how the business and programming rules are affected by each release) and improved access to BellSouth technology experts. BellSouth GALA II Stacy/Varner/Ainsworth Aff. at paras. 109-114. See also KPMG MTP Final Report, Test CM-1-1-4, at VIII-A-20.

⁶⁸⁴ See *supra* note 673.

⁶⁸⁵ See BellSouth GALA I Stacy Reply Aff. at paras. 49-50; Change Control Process at 28 (describing the acceptance process for request types 2-5). We note that two new performance metrics will measure whether BellSouth performs this step within the 10 day interval (CM-7) and will measure how many requests are denied by BellSouth for any of the reasons stated above (CM-8). BellSouth GALA II Stacy/Varner/Ainsworth Aff. at paras. 119-22; BellSouth GALA II Stacy Reply Aff. at para. 54.

⁶⁸⁶ In preparation for the monthly meeting presentation, BellSouth has 5-7 business days to prepare a preliminary assessment of the size and scope of the proposed change. Change Control Process at 29-31 (steps 4 and 5 of the process flow for request types 2-5), Section 6 at 54-57 (detailing the prioritization process). Although we do not rely on this for purposes of checklist compliance, we note that BellSouth recently has provided competitive LECs with available capacity and a release schedule for each release planned for 2003 which will provide competitive LECs an additional tool to more efficiently prioritize change requests. Letter from Glenn T. Reynolds, Vice President – Federal Regulatory, BellSouth, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket 02-35 at 5 (filed May 9, 2002) (BellSouth May 9 *Ex Parte* Letter); Letter from Kathleen B. Levitz, Vice President – Federal Regulatory, BellSouth, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-35 (filed May 14, 2002) (BellSouth May 14 *Ex Parte* Letter) (describing release capacity estimates for BellSouth releases for the next 18 months).

beginning with the top priority request⁶⁸⁷ and, although we do not rely on this, BellSouth has agreed to implement change requests within 60 weeks after prioritization, subject to capacity restraints.⁶⁸⁸ We find that BellSouth demonstrates that the Change Control Process allows for substantial input from competing carriers because it allows competing carriers to prioritize change requests and that input, along with that of other stakeholders, is directly used to develop an overall release package.⁶⁸⁹

184. We reject commenters' allegations that BellSouth utilizes a "veto power" to deny change requests from acceptance into the Change Control Process.⁶⁹⁰ While BellSouth retains some discretion about whether requests are accepted into the process, BellSouth must justify its decisions within a 10 business-day interval based upon reasons specified by the Change Control Process and BellSouth's decision is subject to appeal.⁶⁹¹ Just as the Georgia and Louisiana Commissions found, we find the Change Control Process is designed to allow substantial input

⁶⁸⁷ Change Control Process at 31 (step 7 of the process flow for request types 2-5), 57. BellSouth adequately explains its internal processes to competing carriers through documentation and discussions at Change Control Process meetings. BellSouth GALA I Stacy Reply Aff. at para. 58 & Ex. OSS-5, OSS-6. Also, as noted above, competing carriers have an opportunity for input at release package meetings. *Supra* para. 181 & n.676.

⁶⁸⁸ BellSouth Feb. 27 *Ex Parte* Letter, Attach. at 38 (BellSouth's "greenline" version of the Change Control Process describing its willingness to adhere to a 60-week implementation timeframe for implementation of change requests subject to capacity restraints); BellSouth May 14 *Ex Parte* Letter at 1.

⁶⁸⁹ Change Control Process at 31-32 (step 7 of the process flow for request types 2-5 stating, "[s]izing and sequencing of prioritized change requests will begin with the top priority items and continue down through the list until the capacity constraints have been reached for the next release"). *See also* BellSouth GALA I Stacy Reply Aff. at paras. 57-58 (describing this effort as a "monumental balancing act"). We have previously held that "we would be concerned about the impact of a BOC disregarding input from competing carriers on change management issues." *Bell Atlantic New York Order*, 15 FCC Rcd at 4011-12, para. 124. The record indicates that BellSouth works to include competing carrier input in the form of change requests and changes to the process itself. *See* BellSouth GALA I Stacy Reply Aff. at paras. 152-53; *see generally* BellSouth May 9 *Ex Parte* Letter (describing recent improvements to the Change Control Process developed collaboratively with competitive LECs).

⁶⁹⁰ *See* AT&T GALA II Comments at 22; AT&T GALA I Comments at 26-27; Covad GALA I Comments at 31, 34; CompTel GALA I Comments at 6; Letter from Joan Marsh, Director, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-35 at 2-3 (filed April 19, 2002) (AT&T April 19 *Ex Parte* Letter). Covad March 28 *Ex Parte* Letter at 2; Covad Nov. 19 *Ex Parte* Letter at 3; Letter from AT&T to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-35 at 4 (filed May 13, 2002) (AT&T May 13 *Ex Parte* Letter).

⁶⁹¹ Change Control Process at 28 (step 3 of the process flow for types 2-5), 60 (escalation process); *See* Georgia Commission GALA I Comments at 128 (finding that no veto power exists and that BellSouth provides a reason for its response when it rejects a change request by a competing carrier). We also note the development in Georgia of a new metric designed to measure how often BellSouth denies changes from entry into the Change Control Process and how quickly BellSouth performs this review. *See supra* note 685.

by competing carriers and provides sufficient channels of appeal to address complaints about the process.⁶⁹²

185. Competing carriers argue there is a lack of transparency and definition to the process that determines which change requests are ultimately packaged into new releases.⁶⁹³ This, in turn, they claim, limits their ability to provide valuable input at this stage in the process. Initially, we note that the process requires BellSouth to adhere closely to the competitive LEC prioritization ranking.⁶⁹⁴ Additionally, in an effort to address this alleged lack of transparency, BellSouth has explained to competitive LECs the criteria it uses to make decisions during the internal prioritization step of the Change Control Process.⁶⁹⁵ We also note that BellSouth has improved the availability of its technical and subject matter experts at meetings to address competitive LEC questions and, although we do not rely on this, BellSouth has proposed several process changes designed to improve how it communicates the technical aspects of planned system changes with competitive LECs.⁶⁹⁶ We encourage BellSouth to continue to collaborate with competitive LECs through this important process.⁶⁹⁷

⁶⁹² Georgia Commission GALA I Comments at 128; Louisiana Commission GALA I Comments, Exhibit 1 at 67 (Staff's Final Recommendation in Louisiana Commission Docket Number U-22252-E). *But see* AT&T GALA I Reply at 21.

⁶⁹³ See AT&T GALA I Comments at 28; CompTel GALA I Comments at 6-7; CompTel GALA I Conquest Decl. at 3; WorldCom GALA I Comments at 38. Indeed, after competing carriers vote to establish a prioritized list of competing carrier-affecting change requests, the Change Control Process sets forth an internal BellSouth prioritization process. See Change Control Process at 31-32 (step 7 of the process flow for request types 2-5), 57. See also BellSouth GALA I Stacy Reply Aff. at paras. 57-58. During this process, a BellSouth Internal Release Prioritization Team reviews the input from competing carriers as well as other stakeholder groups (including regulatory requests, internal BellSouth requests) and prioritizes all requests into a master list. See *Id.*; BellSouth GALA I Stacy Aff. at para. 139. Then, with the help of a BellSouth information technology (IT) Team, the Release Prioritization Team determines which change requests will be packaged into the next release. See Change Control Process at 31-32 (step 7 of the process flow for change requests types 2-5). Finally, the release package determined by the Internal Release Prioritization Team is presented to the Change Control Process participants at a Release Package Meeting. Change Control Process at 32-33 (step 8 of the process flow for request types 2-5).

⁶⁹⁴ See discussion of BellSouth's internal review process at note 689 *supra*.

⁶⁹⁵ BellSouth GALA I Stacy Reply Aff. at para. 58 & Ex. OSS-5, OSS-6.

⁶⁹⁶ BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 112; BellSouth April 9 *Ex Parte* Letter, attach. A at 3 (describing increased technical staff involvement early in the process, as well as forums between BellSouth and competitive LEC technical personnel including the sharing of how new features will be designed to flow through the systems).

⁶⁹⁷ We recognize that some discrete steps in a change management process may necessarily involve less collaboration than others. However, we note that effective change management processes require a good working relationship between BOCs and competing carriers and that efforts to develop more transparent processes enhance the usefulness of the process for both competing carriers as well as BOCs. In fact, through a collaborative effort in the Change Control Process actively monitored by the Georgia Commission, participants are negotiating improvements to the feature sizing and resource allocation elements of the Change Control Process as well as possibly adding intervals for implementing features that could improve the transparency of software release (continued....)

186. *Dispute Resolution.* Additionally, we find that the BellSouth Change Control Process “defines a procedure for the timely resolution of change management disputes.”⁶⁹⁸ The Change Control Process provides definitive response intervals for three levels of escalation internally within BellSouth and permits disputes to be escalated to the state commission level.⁶⁹⁹ We note that, despite the numerous complaints in this proceeding, competing carriers have escalated very few disputes in the Change Control Process and none of these disputes have been escalated through the process to a state commission.⁷⁰⁰

187. *Testing Environment.* We find that both BellSouth’s [Competitive LEC] Application Verification Environment (CAVE) and “original” testing environments allow competing carriers the means to successfully adapt to changes in BellSouth’s OSS.⁷⁰¹ A stable testing environment that mirrors the production environment and is physically separate from it is a fundamental part of a change management process ensuring that competing carriers are capable of interacting smoothly and effectively with a BOC’s OSS, especially in adapting to interface upgrades.⁷⁰² Moreover, a testing environment that mirrors production avoids a “competing carrier’s transactions succeeding in the testing environment but failing in production.”⁷⁰³ The (Continued from previous page) _____

decisions. We encourage BellSouth to continue to accommodate competitive LEC requests to improve the transparency and effectiveness of its Change Control Process.

⁶⁹⁸ *SWBT Texas Order*, 15 FCC Rcd at 18404, para. 108. Change Control Process, Section 8 at 59-63. See BellSouth GALA II Stacy Reply Aff. at paras. 35-40; BellSouth March 14 *Ex Parte* Letter, Ex. 10 (describing the Change Control Process escalation process); BellSouth GALA I Stacy Aff. at paras. 134-39. These procedures were developed jointly by BellSouth and competing carriers through the Change Control Process and they adequately protect competing carriers against competitively harmful decisions by the Change Control Process.

⁶⁹⁹ The process dictates a five day response interval for each level of escalation for most disputes and even shorter intervals for very urgent matters. Change Control Process, Section 8 at 60-63 (describing the escalation process including intervals for escalation responses and lists of contacts), 64 (describing the availability of mediation by or direct complaint to a state commission); BellSouth March 14 *Ex Parte* Letter at attach. 10. BellSouth explains that managers at the third level have broad decision-making authority and have internally escalated issues even higher in order to satisfactorily address issues. *Id.* BellSouth has also proposed adding to the Change Control Process a higher fourth level of escalation. BellSouth GALA II Stacy Reply Aff. at para. 40.

⁷⁰⁰ Georgia Commission GALA I Reply at 19; Louisiana Commission GALA I Reply at 2; BellSouth May 9 *Ex Parte* Letter at 10. See, e.g., Department of Justice GALA I Evaluation, at 29 (stating that complaints about the Change Control Process “abound”).

⁷⁰¹ BellSouth provides two testing environments as a part of its change control process. First, its “original” testing environment is used to allow competing carriers to shift from a manual process to an electronic interface, or when upgrading to a new industry standard. See BellSouth GALA I Stacy Reply Aff. at para. 98; BellSouth GALA I Stacy Aff. at para. 152. Second, BellSouth offers its more recently developed CAVE test environment to test the ordering and pre-ordering functions of upgrades to the EDI, TAG, and LENS interfaces. BellSouth GALA I Stacy Aff. at para. 167-68. See BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 144 (describing how CAVE is becoming available for testing the LENS interface).

⁷⁰² See *SWBT Texas Order*, 15 FCC Rcd at 18419, para. 132. Without the ability to test new releases prior to sending “live” orders, competing carriers might be unable to process orders accurately and provision new customer services without delays.” *Id.*

⁷⁰³ *SWBT Texas Order*, 15 FCC Rcd at 18419, para. 132.

record indicates that CAVE is physically separate through all of the order and pre-order functions, except for the shared use of the service order processor and some necessary use of back-end databases.⁷⁰⁴ To ensure that test orders are completely segregated from production orders, CAVE employs several safeguards to prevent test orders from interfering with live orders.⁷⁰⁵ Similarly, third-party testing in Georgia found the "original" testing environment to be sufficiently segregated from production through both logical and structural means.⁷⁰⁶ Additionally, the record shows that carriers are able to test new releases without substantial difficulty.⁷⁰⁷ Finally, we note that BellSouth's versioning process provides additional assurance of smooth transitions between releases.⁷⁰⁸

188. We reject commenters' allegations that the CAVE testing environment is not physically separate from production.⁷⁰⁹ In particular, WorldCom claims that certain test orders flowed to WorldCom's production environment.⁷¹⁰ Like the Department of Justice, we find that because the only incident on which commenters rely is heavily disputed, and because no other incidents have been reported by any carrier, including WorldCom, the record persuades us that CAVE does not interfere with production orders and, thus, that it is a physically separate testing environment.⁷¹¹

⁷⁰⁴ BellSouth GALA I Stacy Reply Aff. at para. 102. This eliminates potential synchronization problems. BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 138. Although CAVE was not tested in Georgia by third party reviewers, the record shows that, "[t]o date, multiple [competitive] LECs have submitted well over 100 test orders in CAVE with no conflicts between test and production data." *Id.*; BellSouth GALA I Stacy Reply Aff. at para. 107.

⁷⁰⁵ BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 138; BellSouth GALA I Stacy Reply Aff. at paras. 104-06 (describing the hard-coding of all test account orders which keeps test orders separate from production).

⁷⁰⁶ STP Final Report, Test CM-2-1-7, at VII-A-24 through VII-A-25.

⁷⁰⁷ BellSouth GALA I Stacy Reply Aff. at paras. 101, 169. *SWBT Texas Order*, 15 FCC Rcd at 18422, para. 139 (it is important that "the vast majority of carriers are able to achieve production status and test new releases without substantial difficulty"). We also note that BellSouth recently has relaxed the requirements for renewing testing agreements and for developing test sets. Letter from Kathleen B. Levitz, Vice President – Federal Regulatory, BellSouth, to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-35 (filed Apr. 22, 2002) (April 22 *Ex Parte* Letter).

⁷⁰⁸ For additional discussion of mechanisms BellSouth provides to enable smooth transitions from one interface version to another, see our discussion of BellSouth's versioning process at para. 181 *supra*.

⁷⁰⁹ WorldCom GALA II Comments at 19-20; AT&T GALA I Comments at 29; WorldCom GALA I Comments at 41.

⁷¹⁰ In its comments, WorldCom alleges a mix-up of over 1,500 live orders with test orders, inferring that a lack of separateness impacts live orders. WorldCom GALA I Comments at 42; see also Department of Justice GALA I Evaluation at 27.

⁷¹¹ Department of Justice GALA II Evaluation at 15. BellSouth investigated and found no evidence that these orders were misdirected but rather found that the orders were reflowed properly to WorldCom. BellSouth GALA II Stacy/Varner/Ainsworth Aff. at 140; BellSouth GALA I Stacy Reply Aff. at para. 108. CAVE has been used by competitive LECs on many occasions since WorldCom's complaint and no further claims have been made asserting (continued....)

189. Based on the evidence in the record, we also reject several arguments that AT&T and WorldCom advance asserting that BellSouth's test environments do not "mirror" the production environment. First, we reject the assertion that in order to be useful, CAVE must fully test orders end-to-end.⁷¹² The Commission has approved test environments that do not fully test end-to-end, stating, "competing carriers are able to test adequately OSS changes prior to their implementation as long as the testing and production environments perform the same key functions."⁷¹³ While CAVE tests the ability of orders to process through provisioning, we note that end-to-end testing is available for major releases in the original testing environment.⁷¹⁴ Second, we reject the allegation that test orders are improperly treated differently than production orders.⁷¹⁵ Commenters have provided this general assertion, but without evidence that the test environment fails to perform the same key functions as the production environment.⁷¹⁶ Finally, we reject AT&T's allegation that the CAVE test scenarios do not completely mirror what individual carriers typically order in the production environment.⁷¹⁷ BellSouth demonstrates that carriers can acquire test orders different from those in the standard catalog to more closely match a competitive LEC's production orders.⁷¹⁸ We also note that CAVE provides testing for a wide variety of competitive LEC order types.⁷¹⁹

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misdirected orders. Department of Justice GALA II Evaluation at 15; BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 141. _

⁷¹² AT&T GALA I Bradbury Decl. at para. 211.

⁷¹³ *SWBT Texas Order*, 15 FCC Rcd at 18422, para. 138. In the *SWBT Texas Order*, the Commission noted that the ability of a testing environment to test through the posting of an order to the billing system is an important tool in providing competing carriers the assurance that new release will function as intended. *SWBT Texas Order*, 15 FCC Rcd at 18422-23, paras. 139-40.

⁷¹⁴ For industry-standard releases, carriers have the opportunity to test orders "end-to-end" through to the posting to billing systems in BellSouth's original testing environment. BellSouth GALA I Stacy Aff. at para. 159 (describing the "Production Verification Testing" phase of the original testing environment). See also KPMG STP Final Report, Test CM-2-1-6, at VII-A-22 through VII-A-24.

⁷¹⁵ WorldCom GALA I Lichtenberg Decl. at para. 164.

⁷¹⁶ BellSouth demonstrates that CAVE test sets are inherently treated differently only because the environment address is different and test monitors must track the test sets as they flow through the system, but that the test orders flow through the test systems just as they would in production. BellSouth GALA I Stacy Reply Aff. at paras. 115-16. See also *SWBT Texas Order*, 15 FCC Rcd at 18421-22, paras. 136, 138 (describing how manual monitoring of the test process does not affect the adequacy of the test environment because "the testing and productions environments perform the same key functions" and the practice allows most carriers to adequately test new software). *SWBT Texas Order*, 15 FCC Rcd at 18421-22, para. 138.

⁷¹⁷ AT&T Bradbury GALA I Decl. at para. 215.

⁷¹⁸ BellSouth GALA I Stacy Aff. at paras. 158, 173.

⁷¹⁹ Only one competitive LEC argued that CAVE was inadequate because it was not equipped to handle a specific type of order. Covad GALA I Reply at 10-11 (asserting that Covad could not test xDSL orders). BellSouth subsequently implemented xDSL ordering, as well as improved loop makeup systems and line-splitting for the LENS (continued....)

190. In addition, we disagree with commenters' assertions that CAVE is not sufficiently available.⁷²⁰ We find BellSouth demonstrates that, in December 2001 and January 2002, it expanded the availability of CAVE by scheduling availability around releases for the remainder of the year.⁷²¹ The Commission has never previously required a full-time testing environment and we find the window of CAVE availability around releases is consistent with our precedent.⁷²² We also reject the assertion that CAVE has insufficient capacity as no competing carrier has alleged an inability to submit a test LSR due to limited capacity.⁷²³ Finally, competitors claim that the exclusion of LENS and RoboTAG from the CAVE testing environment burdens the ability of competitors to switch to new interface releases.⁷²⁴ We note that competing carriers can now test LENS in the CAVE environment⁷²⁵ and that the impact of not including RoboTAG in CAVE is minimal.⁷²⁶

191. *Documentation Adequacy.* We find that BellSouth provides documentation sufficient to allow competing carriers to design their systems in a manner that will allow them to communicate with BellSouth's relevant interfaces.⁷²⁷ In particular, BellSouth demonstrates that it makes available sufficiently detailed interface design specifications to offer competing carriers a

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interface, into CAVE in December 2001. BellSouth GALA I Stacy Reply at paras. 122-24. No other parties commented that CAVE lacked the ability to test certain types of orders.

⁷²⁰ AT&T GALA I Bradbury Decl., Attach. 50; WorldCom GALA II Lichtenberg Reply Decl. at para. 51; WorldCom GALA I Reply at 7; WorldCom GALA I Comments at 43.

⁷²¹ BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 143. The Department of Justice notes that "[t]he scheduled availability of the CAVE system [] has been substantially improved for the balance of this year and that should facilitate its effective use by the CLECs." Department of Justice GALA II Evaluation at 15.

⁷²² See *Bell Atlantic New York Order*, 15 FCC Rcd at 4010, para. 121.

⁷²³ AT&T GALA I Bradbury Decl. at para. 216. BellSouth, demonstrates that it reasonably planned for adequate capacity and that the maximum simultaneous use of CAVE so far has been three users. BellSouth GALA I Stacy Reply Aff. at para. 110. We expect that if competitive LEC increase their demand for CAVE to the point that CAVE's current capacity is insufficient, that BellSouth will increase the capacity of CAVE to provide competitive LECs a meaningful opportunity to test new releases. See *id.* (stating, if "demand increases, BellSouth will address any issues regarding the number of simultaneous users").

⁷²⁴ Birch GALA I Comments at 30-32; Birch GALA I Wagner Decl. at paras. 11-18; AT&T GALA I Comments at 30; AT&T GALA I Bradbury Decl. at paras. 219-21.

⁷²⁵ BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 144; Birch GALA II Comments at 27.

⁷²⁶ RoboTAG does not require competing carriers to re-program their side of the interface as all of the programming is performed by BellSouth. BellSouth GALA I Stacy Reply Aff. at paras. 120-21; BellSouth GALA I Stacy Aff. at paras. 176-77. Also, no carriers submitted a change request to include RoboTAG in the CAVE environment as was done for the LENS interface. BellSouth GALA II Stacy Reply Aff. at para. 47. Finally, we note that very few competing carriers use RoboTAG and that BellSouth may no longer offer RoboTAG as an interface for new users and it will assist remaining competitive LECs using RoboTAG in adapting to another interface. BellSouth GALA I Stacy Aff. at para. 40.

⁷²⁷ *SWBT Texas Order*, 15 FCC Rcd at 18411, para. 119.

meaningful opportunity to compete.⁷²⁸ BellSouth demonstrates compliance with its documentation responsibilities by showing satisfaction of the Georgia third-party test efforts to build an interface as well as demonstrating that competing carriers have a meaningful opportunity to compete.⁷²⁹ Numerous competitors are now using electronic interfaces for pre-ordering, ordering, and reporting troubles which is strong evidence that the documentation is adequate.⁷³⁰ Accordingly, we dismiss the various complaints alleging that BellSouth fails to provide adequate documentation.⁷³¹

(b) Adherence to the Change Management Process

192. *Accepting Change Requests.* BellSouth demonstrates that it validates change requests for acceptance into the process in a timely manner and in accordance with the 10-day interval specified by the Change Control Process.⁷³² During the fourth quarter of 2001, BellSouth met this interval for 18 out of 19 requests.⁷³³ We reject AT&T's claim that BellSouth failed to meet this 10-day interval for validating a specific set of change requests.⁷³⁴ All of these change requests were submitted for validation before the 10-day interval was a part of the Change Control Process and, therefore, we do not find that BellSouth fails to adhere to its process.⁷³⁵

⁷²⁸ See BellSouth GALA I Stacy Aff. at para. 54-76; BellSouth GALA I Stacy Reply Aff. at paras. 17, 370.

⁷²⁹ BellSouth GALA I Stacy Aff. paras. 54, 68; *see also* KPMG MTP Final Report at V-13.

⁷³⁰ In BellSouth's region, 19 competing carriers used EDI in July 2001 while 34 used TAG in the same month. *See* Letter from Glenn T. Reynolds, Vice President – Federal Regulatory, BellSouth, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 01-277 (filed Nov. 21, 2001) (BellSouth Nov. 21 *Ex Parte* Letter). *See also* BellSouth GALA II Stacy Reply Aff. at para. 48 (stating that an average of 35 competing carriers use EDI each month while an average of 65 competing carriers use TAG each month which, combined, account for 89% of all orders submitted); BellSouth GALA I Stacy Aff. at para. 67. This data shows that multiple competing carriers are able to design electronic interfaces based on available documentation and belies comments by Network Telephone and Mpower that BellSouth does not provide sufficient information for a competitive LEC to implement TAG. Mpower GALA II Comments at 6-7; Network Telephone GALA II Comments at 2, 4, 6-9. *See SWBT Texas Order*, 15 FCC Rcd at 18411-12, para. 120 (SWBT demonstrated that sixteen carriers were in production using the EDI interface).

⁷³¹ AT&T GALA II Bradbury/Norris Decl. at paras. 177-78 (citing open exceptions in the Florida third party test); WorldCom GALA I Reply at 3-4 (discussing the documentation provided for the 10.2 release including migration by telephone number states that BellSouth improperly provided "user requirements, not business rules" that "were not designed to enable [competitive] LECs to code to the rules" and were inaccurate). We note that BellSouth expeditiously updated their documentation which has allowed competitive LECs to effectively implement this functionality. Georgia Commission GALA II Comments at 7.

⁷³² BellSouth GALA II Stacy Reply Aff. at paras. 52-53. For a discussion describing the process for introducing new changes into the Change Control Process and BellSouth's new metrics, *see supra* para. 183 & n.685.

⁷³³ BellSouth GALA II Stacy Reply Aff. at para. 52.

⁷³⁴ AT&T GALA II Bradbury/Norris Decl. at para. 145.

⁷³⁵ *See* BellSouth GALA II Stacy Reply Aff. at para. 53.

193. *Implementation of Prioritized Changes.* We find that BellSouth adheres to the Change Control Process by demonstrating that it implements change requests prioritized by competing carriers through the Change Control Process. BellSouth explains that, especially over the past six months, it has implemented a large number of change requests.⁷³⁶ BellSouth also has scheduled for implementation this year fifteen of the top ranked change requests still outstanding, many of which have now been implemented.⁷³⁷ Moreover, BellSouth has demonstrated sufficient capacity in its future releases to be able to implement a significant number of change requests, including backlog items to the extent carriers choose to prioritize these.⁷³⁸ While we find BellSouth's performance to be adequate, we note that it is important that BellSouth continue to work collaboratively with competitive LECs through the Change Control Process on prioritization issues, provide competitive LECs with sufficient information to be able to make informed decisions regarding prioritization of proposed systems changes, and implement changes in a timely manner. Should any problems in this regard develop such that the requirements of section 271 are no longer met, we are prepared to take appropriate enforcement action.

194. We reject the assertion of several commenters that BellSouth delays implementation of even very highly prioritized change requests resulting in a large backlog of unimplemented system feature requests.⁷³⁹ We recognize that BellSouth has not always implemented the Change Control Process in the most efficient manner, but because of its overall record, the recent improvements it has made, including the implementation of several important competitive LEC-requested features, its commitment to continued improvement, and its collaborations with competitive LECs in this process, we do not find a record that warrants checklist noncompliance.⁷⁴⁰ As the Commission has repeatedly stated, the checklist does not require perfection.⁷⁴¹ Accordingly, as did the Georgia and Louisiana Commissions, we find that

⁷³⁶ BellSouth GALA II Stacy Reply Aff. at paras. 61-69.

⁷³⁷ BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 118, 123-25 & Ex. SVA-35, SVA-36.

⁷³⁸ As noted above, although we do not specifically rely on this, BellSouth has agreed to implement change requests within 60 weeks after prioritization, subject to capacity constraints. See para. 183 *supra*; BellSouth May 14 *Ex Parte* Letter at 1 (explaining that according to release capacity projections, it is possible to eliminate approximately 80% of the "backlog" change requests by next year).

⁷³⁹ See, e.g., Birch GALA II Comments at 28-29 (Birch claims that it constantly is directed by BellSouth to use the Change Control Process to address mechanical and operational issues, but it is wary that its issues will not be addressed in a timely manner as indicated by the ever-increasing backlog of change requests caused by BellSouth's failure to implement even highly ranked change requests).

⁷⁴⁰ BellSouth demonstrates that it has implemented a large proportion of all the change requests that competing carriers have asked BellSouth to provide with over 80% either implemented or scheduled for implementation this year. BellSouth GALA II Stacy Reply Aff. at para. 61-63. We also note that many of the submitted changes await prioritization by competitive LECs. Finally, we note the variety and quantity of feature enhancements that BellSouth has implemented over the past few releases. BellSouth GALA II Stacy Reply Aff. at paras. 66-68.

⁷⁴¹ See *Bell Atlantic New York Order*, 15 FCC Rcd at 4045, para. 176.

BellSouth provides competing carriers "an effective systems change management process to which it has adhered over time."⁷⁴²

195. We reject commenters' assertions that BellSouth fails to implement corrections to defects in a timely manner and that there are unnecessary defects because BellSouth's software implementations are not sufficiently tested before release.⁷⁴³ While we recognize the importance of reducing the number of coding defects that require competing carriers to modify their electronic ordering processes, we find that BellSouth demonstrates that most of these defects have a very small impact and have been corrected quickly and within the timeframes set by the Change Control Process.⁷⁴⁴ Covad claims that there is a "backlog" of defects, specifically mentioning 11 that impact its business.⁷⁴⁵ BellSouth explains that of the 38 system defects outstanding on March 5, 31 have been scheduled or targeted for implementation this year.⁷⁴⁶ Birch, WorldCom and AT&T allege that BellSouth implements software releases without sufficient testing which results in a large number of defects in production.⁷⁴⁷ Based on the evidence before us, however, we find that BellSouth performs adequate internal testing before releasing software.⁷⁴⁸ At the same time, we share the Department of Justice's concern that software releases with numerous defects inhibit smooth transitions between releases and we plan

⁷⁴² Georgia Commission GALA II Comments at 25-28. See Louisiana Commission GALA I Comments, Ex. 1 at 64-69 (Staff's Final Recommendation in Louisiana Section 271 Proceeding).

⁷⁴³ Department of Justice GALA II Evaluation at 7, 10; Covad GALA II Comments at 9-10; AT&T GALA II Bradbury/Norris Decl. at para. 147; WorldCom GALA II Comments at 18; WorldCom GALA II Lichtenberg Decl. at paras. 140-45.

⁷⁴⁴ The Change Control Process requires BellSouth to correct "High Impact" defects within 10 business days, "Medium Impact" defects within 90 business days, and "Low Impact" defects with "best effort," although BellSouth has committed to a 120 day interval. Change Control Process, Section 5 at 42-53; BellSouth May 9 *Ex Parte* Letter at 7. BellSouth explains that it met the timeframes for "High Impact" defects 5 out of 7 times, missing the timeframe for 2 defects by 2 days in order to implement the fix during a release. BellSouth GALA II Stacy Reply Aff. at para. 78. BellSouth also explains that for "Medium Impact" defects, all 16 have been implemented, or scheduled for implementation, within the 90 day period. *Id.* at para. 79. Finally, BellSouth demonstrates that "Low Impact" defects are implemented in a timely manner, generally within 3 months. *Id.* at para. 80 n.16. BellSouth also explains that defects associated with the parsed CSR release in January were low impact and were corrected in a timely manner. BellSouth GALA II Application at 21-22; BellSouth GALA II Stacy/Varner/Ainsworth Aff. at paras. 67-78.

⁷⁴⁵ Covad GALA II Comments at 9-10.

⁷⁴⁶ BellSouth GALA II Stacy Aff., Ex. WNS-12. Moreover, while Covad asserts in its Comments that eleven outstanding defects directly impact its business, BellSouth demonstrates that one defect was cancelled, six have been implemented, and the remaining four are scheduled for the May 18 release. Covad GALA II Comments at 10; BellSouth March 27 *Ex Parte* Letter at 2.

⁷⁴⁷ WorldCom GALA II Lichtenberg Decl. at para. 142; Birch GALA II Comments at 26; AT&T GALA II Reply at 21, 23.

⁷⁴⁸ BellSouth GALA II Stacy Reply Aff. at paras. 82-89. In particular, BellSouth adheres to industry standard guidelines for testing its software releases before release and completed virtually all of the scheduled pre-release testing for releases 10.2 and 10.3. *Id.* at paras. 83, 85-87. Moreover, the defects associated with BellSouth releases are minimal. *Id.* at paras. 87-89.

to monitor BellSouth's performance in this regard.⁷⁴⁹ Although not a basis for our assessment of checklist compliance here, we are reassured, however, that new metrics being developed in Georgia will measure how well BellSouth fixes defects within the required timeframes.⁷⁵⁰ Should BellSouth's performance in this regard decline such that it substantially degrades OSS performance, we may take appropriate enforcement action.

196. *Notification Adequacy and Timeliness.* We find that BellSouth has established a pattern of compliance with the intervals established in the Change Control Process for notification of a variety of system changes.⁷⁵¹ The Georgia third-party test and commercial data reveal a pattern of BellSouth providing notice of system changes in a timely, complete, and accurate manner.⁷⁵² Additionally, we find that BellSouth generally adheres to its notification schedule⁷⁵³ and that the documentation for the most recent releases has been timely and complete.⁷⁵⁴ Finally, we find that BellSouth consistently provides competing carriers notice and information about access to its electronic interfaces.⁷⁵⁵

⁷⁴⁹ Department of Justice GALA II Evaluation at 10 (noting that the releases for TN migration and parsed CSR functionality were introduced with defects).

⁷⁵⁰ BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 120 (describing metric CM-6 which will measure, region-wide, the percent of software defects corrected within their appropriate interval); Georgia Commission GALA II Comments at 26; BellSouth GALA II Stacy Reply Aff. at para. 54.

⁷⁵¹ The Commission's prior section 271 orders recognize the importance of a BOC's provision of timely, complete, and accurate notice of alterations to its systems and processes and, therefore, the Commission requires that a BOC have "established a pattern of compliance with the relevance notification and documentation intervals in its Change Agreement." *SWBT Texas Order*, 15 FCC Rcd at 18415, para. 126.

⁷⁵² BellSouth provides notice of software releases in a timely manner. *See* Georgia/Louisiana F.10.1 (% software release notices sent on time – Regional); Georgia/Louisiana F.10.2 (average software release notification delay days – Regional). Third-party testing also shows timely notice of software releases. KPMG MTP Final Report, Test CM-1-1-5, at VIII-A-20 (finding that the Change Control Process "has defined and reasonable intervals for considering and notifying customers about proposed changes"). BellSouth also notifies competing carriers about system changes, including outages, in a timely manner. Although BellSouth has not consistently met its benchmark for sending system change documentation in a timely manner, we find that the volumes are particularly low and BellSouth is addressing this issue adequately. *See* Georgia/Louisiana F.10.3 (% change management documentation sent on time – Regional); Georgia/Louisiana F.10.5 (average documentation release delay days – Regional); BellSouth GALA I Varner Georgia Aff. at paras. 180, 182; BellSouth GALA I Varner Louisiana Aff. at paras. 194, 196. *See* KPMG MTP Final Report, Test CM-1-1-6, at VIII-A-21 (finding that "[d]ocumentation regarding proposed changes is distributed on a timely basis").

⁷⁵³ In the *SWBT Texas Order*, the Commission found SWBT's provision of documentation to be sufficiently timely despite its failure to strictly meet specified deadlines. *SWBT Texas Order*, 15 FCC Rcd at 18416, paras. 128-29 & nn. 340, 343. We are further assured that BellSouth's release documentation will continue to provide competing carriers a meaningful opportunity to compete in light of the newly devised documentation subcommittee in the Change Control Process. BellSouth GALA II Stacy Reply at para. 60. However, we stress the importance that BellSouth continue to provide adequate documentation in a timely manner.

⁷⁵⁴ BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 116; BellSouth GALA II Stacy Reply Aff. at paras. 55-60; BellSouth May 9 *Ex Parte* Letter at 2-3. We also note that the Georgia and Louisiana Commissions find that (continued....)

197. We reject claims that the Change Control Process does not provide reasonable intervals for notifying competing carriers of changes to its systems.⁷⁵⁶ We find that the current timeliness intervals provide competitors with a meaningful opportunity to compete.⁷⁵⁷ We also reject claims that BellSouth has not generally adhered to its notification intervals over time.⁷⁵⁸ For example, BellSouth demonstrates that for the January 10.3 release, despite being tardy by 18 days in providing business rules, it had already provided competing carriers with sufficient documentation to begin coding and testing the parsed CSR functionality.⁷⁵⁹ BellSouth also explains how advance documentation time can be impacted by agreements in the Change Control Process to provide more explicit documentation.⁷⁶⁰ Finally, we recognize that documentation timeliness intervals can be impacted by regulatory mandates.⁷⁶¹

(Continued from previous page)

BellSouth has established a pattern of compliance in providing documentation to competitive LECs. Georgia Commission GALA I Comments at 129; Louisiana Commission GALA I Comments, Exhibit 1 at 68.

⁷⁵⁵ See Georgia/Louisiana F.10.6 (% interface outage notices sent within 15 minutes – Regional). Like the Louisiana Commission, we find that this metric was adequately developed at the state level and that the state provides sufficient channels through which competing carriers can address this issue. Louisiana Commission GALA I Reply at 8-9. We also note that through the Georgia workshops, the metrics for recording and reporting interface outages will become more inclusive. BellSouth March 27 *Ex Parte* Letter at 5-6 (providing examples of how the new metrics expand the coverage of the metrics). In addition, we note that diagnostic information about each interface outage and slowdown are reported on BellSouth's Change Control Process website.

⁷⁵⁶ WorldCom GALA II Lichtenberg Decl. at para. 149; WorldCom GALA I Comments at 38.

⁷⁵⁷ The Change Control Process establishes timeliness intervals for three types of releases: industry; major; and minor. For industry releases, BellSouth must notify competing carriers 42 weeks prior to production, provide final user requirements 35 weeks prior to production, provide final EDI and TAG specifications 10 weeks prior to production, and provide business rules 10 weeks prior to production. Change Control Process at 34. The documentation requirements for even minor releases give competing carriers sufficient time to prepare for software changes because BellSouth is required to provide final user requirements 18 weeks prior to production, final EDI and TAG specifications 5 weeks in advance, and business rules 5 weeks in advance. *Id.* See *SWBT Texas Order*, 15 FCC Rcd at 18415-16, para. 127 & n.338.

⁷⁵⁸ AT&T GALA II Bradbury/Norris Decl. at paras. 181-85 (describing BellSouth's failure to meet documentation timeliness intervals); WorldCom GALA II Lichtenberg Decl. at para. 139 (describing BellSouth's failure to meet documentation timeliness intervals); AT&T GALA I Reply at 20; AT&T GALA I Bradbury Reply Decl. at paras. 6-14; WorldCom GALA I Reply at 3; WorldCom GALA I Lichtenberg Reply Decl. at paras. 5-6.

⁷⁵⁹ Specifically, BellSouth provided user specifications, preliminary field specifications, the TAG API Guide, and the CSR Job Aid in sufficient time for competing carriers to develop their interfaces. BellSouth GALA II Stacy Reply at para. 57. BellSouth also states that "[competitive] LECs and vendors were able to use these documents in coding and testing the parsed CSR functionality." *Id.*

⁷⁶⁰ BellSouth GALA II Stacy Reply Aff. at para. 58 (describing how BellSouth failed to meet draft and final user requirements for the February release because competing carriers agreed in the Change Control Process to the late delivery in order for BellSouth to include greater detail).

⁷⁶¹ BellSouth GALA II Stacy Reply Aff. at para. 59; BellSouth GALA II Stacy/Varner/Ainsworth Aff. at para. 41 (indicating that BellSouth had only 30 days to implement TN migration functionality from the date of the Georgia Commission order).

(ii) Training, Technical Assistance, and Help Desk Support

198. We find that BellSouth adequately assists competing carriers to use available OSS functions.⁷⁶² BellSouth demonstrates that it teaches a wide variety of training courses for competing carriers to assist in programming as well as ordering, pre-ordering, provisioning, and maintenance and repair.⁷⁶³ Also, BellSouth provides several help desks to assist competing carriers in using OSS.⁷⁶⁴ BellSouth demonstrates that its services centers are adequately staffed and able to handle spikes in their work loads.⁷⁶⁵ Moreover, we do not find that competing carrier's comments warrant a conclusion that BellSouth fails to adequately assist competing carriers seeking to use its OSS.⁷⁶⁶ We reject Covad's argument that a lack of coordination between different BellSouth's support centers denies Covad a meaningful opportunity to compete.⁷⁶⁷ BellSouth explains that it has simplified the escalation process by designating a single manager to handle all escalations in the LCSC and BellSouth representatives meet monthly with Covad to discuss and take action on operational issues confronting Covad.⁷⁶⁸

3. UNE Combinations (UNE-P and EELs)

199. In order to satisfy section 271(c)(2)(B)(ii), a BOC must demonstrate that it provides nondiscriminatory access to network elements in a manner that allows requesting carriers to combine such elements and that the BOC does not separate already combined elements, except at the specific request of the competing carrier.⁷⁶⁹ Based on the evidence in the record, we conclude, as did the Louisiana and Georgia Commissions, that BellSouth provides

⁷⁶² See *Bell Atlantic New York Order*, 15 FCC Rcd at 4012, para. 126.

⁷⁶³ See BellSouth GALA I Stacy Aff. at paras. 77-92.

⁷⁶⁴ BellSouth provides Local Carrier Service Centers (LCSC) to assist with pre-ordering and ordering portions of resale, UNE, and complex services. Its Customer Wholesale Interconnection Service Center (CWINS) handles provisioning for designed or coordinated resale and UNE products as well as maintenance and repair for resale and UNE products. BellSouth also provides service centers designed to handle ordering, provisioning, and maintenance for wideband services as well as support for interconnection trunking, inquiry processing, Advanced Intelligent Network (AIN), and interface connectivity and outage issues. See BellSouth GALA I Ainsworth Decl. at paras. 4-33; BellSouth GALA I Stacy Aff. at para. 93.

⁷⁶⁵ BellSouth GALA I Application Reply App., Vol. 1, Tab A, Reply Affidavit of Ken Ainsworth (BellSouth GALA I Ainsworth Reply Aff.) at paras. 4-7. BellSouth GALA I Ainsworth Decl. at para. 6. We note a substantial decrease in answer time over recent months and do not find evidence of a systemic problem. See BellSouth GALA I Ainsworth Reply Aff. at para. 9.

⁷⁶⁶ See Mpower, et al. GALA I Comments at 14; AT&T GALA I Bradbury Decl. at paras. 238-41.

⁷⁶⁷ Covad GALA II Comments at 10-12.

⁷⁶⁸ BellSouth GALA II Stacy/Varner/Ainsworth Aff. at paras. 170-79; BellSouth GALA II Ainsworth Reply Aff. at para. 57 (stating that meetings with Covad have been productive and that BellSouth has undertaken several service improvements as a result of the meetings).

⁷⁶⁹ 47 U.S.C. § 271(c)(2)(B)(ii); 47 C.F.R. § 51.313(b).

access to UNE combinations in compliance with Commission rules.⁷⁷⁰ BellSouth demonstrates that competitive LECs can order UNE-P electronically with flow-through on all of its interfaces, including ordering migrations by telephone number, and that commercial experience proves this is done in a nondiscriminatory manner.⁷⁷¹ Moreover, BellSouth demonstrates that it allows competitive LECs to order new EELs just like any other designed service.⁷⁷² Finally, BellSouth asserts that competitive LECs can convert special access circuits to EELs “using an individual LSR or by using a spreadsheet to facilitate conversion of multiple circuits.”⁷⁷³

200. Allegiance and US LEC/XO allege that the 2-step process for converting special access circuits to EELs is needless, costly and does not comply with the Commission’s rules.⁷⁷⁴ We reject this claim because we have previously held that a multi-step conversion process is not *prima facie* prohibited by our rules.⁷⁷⁵ Moreover, BellSouth describes how this relatively new process has become more streamlined.⁷⁷⁶ Likewise, we reject comments by US LEC/XO that the disallowance of co-mingled traffic, early termination penalties, and surcharges are obstacles to their ability to convert special access circuits to EELs.⁷⁷⁷ It is not clear that the practices described by US LEC/XO violate the Commission’s rules.⁷⁷⁸ We decline to address Cbeyond’s claim that the metric measuring the provisioning interval for EELs is discriminatory because the Georgia Commission, in April 2001, made an interim decision in Cbeyond’s favor reducing the

⁷⁷⁰ BellSouth GALA I Ainsworth Aff. at paras. 127-28. Georgia Commission GALA I Comments at 134-36; Louisiana Commission GALA I Comments at 51-54.

⁷⁷¹ BellSouth GALA I Stacy Aff. at paras. 261-66.

⁷⁷² BellSouth GALA I Ainsworth Aff. at para. 128. BellSouth explains that electronic ordering of EELs has been targeted through the Change Control Process for implementation in May. BellSouth GALA II Stacy Reply Aff. at para. 181.

⁷⁷³ BellSouth GALA II Stacy Reply Aff. at para. 181; BellSouth GALA I Ainsworth Aff. at para. 128. In order to do so, competitive LECs must renegotiate certain terms in their interconnection agreements. BellSouth GALA I Stacy Reply at paras 264-69.

⁷⁷⁴ Allegiance GALA II Comments at 8-9; US LEC/XO GALA II Comments at 5 (citing *Local Competition Supplemental Order Clarification*, 15 FCC Rcd 9587, 9603, para. 30).

⁷⁷⁵ In prior orders, the Commission has restated that conversions from special access to EELs should be “simple and accomplished without delay.” *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6323-24, para. 175. The Commission found that SWBT’s 2-step provisioning process for converting special access lines to EELs did not violate our rules. *Id.* at 6323-24, paras. 175-76.

⁷⁷⁶ BellSouth GALA II Application Reply App., Vol. 1, Tab E, Reply Affidavit of John Ruscilli and Cynthia Cox (BellSouth GALA II Ruscilli/Cox Reply Aff.) at paras. 38-39.

⁷⁷⁷ US LEC/XO GALA II Comments at 3-5. Specifically, US LEC/XO also allege that “BellSouth’s intransigence in providing ... transport to XO and US LEC, or in converting special access circuits to UNEs, violates checklist items 2, 4 and 5.” *Id.* at 3.

⁷⁷⁸ *Local Competition Supplemental Order Clarification*, 15 FCC Rcd at 9598-9604, paras. 21-32; *See also SWBT Texas Order*, 15 FCC Rcd at 18468-70, paras. 224-28; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17460-61, paras. 73-75.

provisioning interval to 10 days and, although not a factor in our decision, we note that the Georgia Commission is in the process of reviewing this very issue in the metrics review.⁷⁷⁹ Finally, we reject Mpower's complaint that BellSouth has not fulfilled any of its responsibilities under an agreement to convert special access lines to EELs.⁷⁸⁰ We note that BellSouth claims the problem has been resolved.⁷⁸¹

IV. OTHER CHECKLIST ITEMS

A. Checklist Item 1 – Interconnection

201. Section 271(c)(2)(B)(i) requires the BOC to provide equal-in-quality interconnection on terms and conditions that are just, reasonable and nondiscriminatory in accordance with the requirements of sections 251 and 252.⁷⁸² Based on our review of the record, we conclude, as did the Georgia and Louisiana Commissions,⁷⁸³ that BellSouth is in compliance with the requirements of this checklist item.⁷⁸⁴ In reaching this conclusion, we examine, as in prior section 271 orders, BellSouth's performance with respect to interconnection trunks and collocation. We find that BellSouth's has met or exceeded the vast majority of its benchmarks or retail comparison standards for this checklist item.⁷⁸⁵ In addition, we find that BellSouth satisfies

⁷⁷⁹ Cbeyond March 26 *Ex Parte* Letter at 2; Cbeyond GALA I Comments at 13-15 & n.8 (describing the proceedings in Georgia Commission docket no 7892-U).

⁷⁸⁰ Mpower GALA II Comments at 14.

⁷⁸¹ BellSouth GALA II Ruscilli/Cox Reply Aff. at para. 40. We also note that section 271 proceedings are not well suited to fact-intensive interpretive disputes of this nature and decline to address such disputes in this application. See *SWBT Texas Order*, 15 FCC Rcd at 18448 n.510.

⁷⁸² Appendix D at paras. 1-3.

⁷⁸³ See Georgia Commission Comments at 45; Louisiana Commission Comments at 23.

⁷⁸⁴ BellSouth GALA I Application at 26-36; BellSouth GALA I Reply at 93-97. In doing so we reject US LEC's claim that BellSouth fails to provide proper interconnection ordering system, based on a lack of supporting evidence in the record of systemic problems with BellSouth's interconnection ordering system and BellSouth's statement that from March to September 2001 BellSouth's systems were available at a rate of over 99%. See US LEC GALA I Comments at 35; BellSouth GALA I Stacy Reply Aff. at paras. 270-73.

⁷⁸⁵ For example, we note that BellSouth missed parity with its retail analog in Georgia from October through February for the Order Completion Interval metric for trunks. However, the volumes were competitively insignificant. See Georgia/Louisiana C.1.1 (% Rejected Service Requests); Georgia/Louisiana C.1.2 (Reject Interval); Georgia/Louisiana C.1.3 (FOC Timeliness); Georgia/Louisiana C.1.4 (FOC & Reject Response Completeness); Georgia/Louisiana C.2.1 (Order Completion Interval); Georgia/Louisiana C.2.3 (% Jeopardies); Georgia/Louisiana C.2.5 (% Missed Installation Appointments); Georgia/Louisiana C.2.7 (Average Completion Notice Interval); Georgia/Louisiana C.2.10.1 (% Completions w/o Notice or < 24 hours); Georgia/Louisiana C.2.11.1.1-C.2.11.2.2 (Service Order Accuracy), Georgia/Louisiana C.3.1.2-C.3.2.2, C.3.3.2, C.3.4.2, C.3.5.2 (Local Interconnection Trunks-Maintenance and Repair); Georgia/Louisiana C.3.4.1 (Invoice Accuracy); Georgia/Louisiana C.4.2 (Mean Time to Deliver Invoices); Georgia/Louisiana C.5.1 (Trunk Blocking-Trunk Group Performance-Aggregate); Georgia/Louisiana E.1.1.1-E.1.1.2 (Collocation-Average Response Time); Georgia/Louisiana E.1.2.1-E.1.2.4 (Collocation-Average Arrangement Time); Georgia/Louisiana E.1.3.2 (Collocation-% Due Dates Missed).

its statutory requirements for the provisioning of collocation and provides interconnection at all technically feasible points including a single point of interconnection in Georgia and Louisiana.

202. *Interconnection Quality.* We find, based on the record, that BellSouth's performance for trunk blockage satisfies its statutory obligations.⁷⁸⁶ In particular, BellSouth met or exceeded all of its benchmarks for trunk blockage in Georgia and Louisiana and for the relevant months.⁷⁸⁷ Nonetheless, we note that some commenters still assert that BellSouth fails to provide trunks on a nondiscriminatory basis.⁷⁸⁸ Specifically, AT&T and Sprint argue that BellSouth's method of calculating trunk blockage, the Trunk Group Performance (TGP) report,⁷⁸⁹ is flawed.⁷⁹⁰ They contend that the TGP report dilutes the figures for competitive LEC blockage because it measures BellSouth traffic as traffic carried over trunks linking BellSouth end offices, while competitive LEC traffic is measured as traffic over several other categories of trunking, many of which predominately carry BellSouth traffic.⁷⁹¹ Therefore, they argue, that the Commission should reject the new TGP report and utilize data from BellSouth's previous trunk blockage report, the Trunk Group Service Report (TGSR), instead.⁷⁹²

203. We conclude that BellSouth's TGP report effectively assesses BellSouth's performance.⁷⁹³ We are persuaded by BellSouth's argument that competitive LEC blockage is

⁷⁸⁶ See 47 U.S.C. § 271(c)(2)(B)(i).

⁷⁸⁷ Georgia/Louisiana C.5.1 (Trunk Group Performance).

⁷⁸⁸ AT&T GALA I Comments at 46-47; Sprint GALA I Comments at 18-19; AT&T GALA I Reply Comments at 29; XO, et al. GALA I Reply at 2-4.

⁷⁸⁹ BellSouth previously used the Trunk Group Service Report (TGSR) that calculated the number of instances for which trunk blockage exceeded 3%. BellSouth's new Trunk Group Performance (TGP) report calculates the number of consecutive two-hour periods for which competitive LEC trunk blockage exceeds BellSouth trunk blockage by more than .5% on BellSouth administered trunks. BellSouth argues that SWBT used a similar measure for its Texas and Oklahoma/Kansas Section 271 Applications. BellSouth GALA I Application Reply App., Vol. 2, Tab J, Reply Affidavit of W. Keith Milner (BellSouth GALA I Milner Reply Aff.) at paras. 12, 15-23, Ex. WKM-7.

⁷⁹⁰ AT&T GALA I Comments at 46-47; AT&T GALA I Comments App. Tab H, Declaration of Beverly J. McConnell and Denise C. Berger at paras. 13-18, Ex. H (AT&T McConnell/Berger Decl.); AT&T Comments App. Tab I, Declaration of Cheryl Norris and Sharon Bursh at para. 73 (AT&T Norris/Bursh Decl.); AT&T GALA II Bursh/Norris Decl. at para. 101. Competitive LECs also criticize BellSouth's usage of a 3% threshold for trunk blockage, however, BellSouth explains that its actual design block rate is lower and that the blocking threshold merely denotes service above which it is statistically probable that the design-blocking standard is not met. See generally *id.*; BellSouth Milner Reply Aff. at para. 24.

⁷⁹¹ AT&T GALA I Comments at 46-47; AT&T McConnell/Berger Decl. at para. 17; AT&T GALA I Reply at 29. See also Department of Justice Evaluation at 37, n.132 (expressing concern that not all-relevant trunk groups are included in BellSouth's calculations). AT&T also argues that BellSouth's TGP report masks regional problems by presenting data as a statewide average. AT&T GALA I Reply at 29.

⁷⁹² AT&T GALA I Comments at 46-47; AT&T GALA I Reply at 29. AT&T also argues that the Commission used reports similar to the TGSR in the past. See AT&T GALA I Reply at 30. See *supra* for a comparison of the TGP report and the TGSR.

⁷⁹³ See *supra* note 79 for an explanation of BellSouth's TGP report.